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The significance of success criteria for civil-military security cooperation in Kosovo.

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SYNOPSIS

The international presence in Kosovo is an example of full international administration. Its most important obligation is arguably to provide a safe and secure environment for all inhabitants, in which they can establish relations and structures for peaceful co-existence with the help of the international community. Both military and civilian agencies (KFOR and UNMIK) and many nations are involved in this project. However, history as well as research in international relations and organizational theory dictate an expectation that numerous and varied goals and preferences exist in such a scenario. This dissertation asks whether success criteria influence civil-military cooperation in the security sector of the international administration of Kosovo.

An examination of KFOR and UNMIK with regards to their actual cooperation patterns in the security sector revealed conspicuous institutional differences. KFOR appears as a collection of organizational units between which there are command lines that cannot be used to issue proper orders due to national reluctance to relinquish control of their personnel. UNMIK appears more coherent institutionally, but lacks the resources and force to execute all their duties. The nature of security challenges and the resource situation have necessitated military engagement in executive policing, but KFOR and UNMIK are both reluctant due to institutional differences and preferences. KFOR and UNMIK seem to operate with partly the same success criteria – the UN mandate – and partly separate ones. The time horizon stands out as an unsorted issue, as KFOR looks to withdraw as soon as possible while UNMIK looks to stay until the situation is stable and self-sustainable. Due to these and other factors, security cooperation has to a significant degree assumed the form of *ad hoc* projects and solutions conducted on local and regional levels. Streamlined, uniform success criteria would probably offer enhanced economy and efficiency of joint efforts. On the other hand, it seems like the lack thereof may offer a desirable flexibility to effectuate rapid, tailored initiatives in response to sudden and unexpected challenges.

LIST OF ABBREVIATIONS

AD	Administrative Department
AOR	Area of Responsibility
CCIU	Central Criminal Investigations Unit
CIMIC	Civil-Military Cooperation
CINCSOUTH	Commander-in-Chief Allied Forces Southern Europe
CivPol	Civilian Police
COMKFOR	Commander of KFOR
DSRSG	Deputy Special Representative of the Secretary General
EOD	Explosives Ordnance Division
FFI	Forsvarets forskningsinstitutt
FRY	Federal Republic of Yugoslavia
FYROM	Former Yugoslav Republic of Macedonia
GO	Governmental Organizations
GSZ	Ground Safety Zone
HQ	Headquarters
IIU	Internal Investigation Unit
IOM	International Organization of Migration
JOC	Joint Operation Center
KFOR	Kosovo Force
KLA	Kosovo Liberation Army
KPC	Kosovo Protection Corps
KPS	Kosovo Police Service
MNB	Multi National Brigade
MPU	Missing Persons Unit
MTA	Military Technical Agreement
NATO	North Atlantic Treaty Organization
NGO	Non-governmental Organization
NUPI	Norsk utenrikspolitisk institutt
OJG	Operation Joint Guardian
OSCE	Organization for Security and Cooperation in Europe
PDSRSG	Principal Deputy Special Representative of the Secretary General
PSO	Peace Support Operation
ROE	Rules of Engagement
SACEUR	Supreme Allied Commander Europe
SOP	Standard Operating Procedures
SPU	Special Police Unit
SRSG	Special Representative of the Secretary General
TPIU	Trafficking and Prostitution Investigation Unit
UCK	(Albanian for KLA)
UCPMB	(Albanian for) Liberation Army of Presevo, Medvedja and Bujanovac
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees

UNMIK	United Nations Mission in Kosovo
UNPROFOR	United Nations Protection Force
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
UNSG	United Nations Secretary General
UNTAC	United Nations Transitional Administration in Cambodia
UNTAES	United Nations Transitional Administration in Eastern Slavonia
UNTAET	United Nations Transitional Administration in East Timor

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1 INTRODUCTION

My academic interest in peace support operations came during a one-year job assignment in a peace observation operation in the West Bank of the Jordan River. Upon completion of that assignment I contacted a former teacher from a university graduate course, who has his daily work at the Norwegian Defense Research Establishment (FFI), to ask for his opinion on a graduate research project dealing with the effectiveness of peace support operations. As it were, the institute was at the time conducting a larger study of KFOR (the NATO Kosovo Force) and trying to establish a more comprehensive project on peace support operations. I was invited to join them as an in-house graduate student and asked to look into the specific subject of success criteria for peace support operations and civil-military cooperation in peacemaking. Apparently, no framework for evaluation applicable to every peace support operation has been consolidated, so generalizations regarding what elements make for successful peace operations have been extremely difficult to make. Such insight would have great potential value for decision-makers in a time where thresholds for peace making is ever lowering.

The initial project envisaged for the present thesis was, accordingly, to investigate success criteria for peace support operations by examining cases and try to identify common denominators which could potentially form a basis for general success criteria. Gradually the topic was narrowed down to this: “Are success criteria at all relevant for the actual effectiveness of peace support operations?”

The precise problem selected for investigation is whether success criteria affect the civil-military cooperation in the security sector in Kosovo. The research questions selected to achieve greater insight into this problem are

- 1) What are the success criteria that the KFOR and UNMIK respectively apply in their daily work for increased security in Kosovo?
- 2) What is the nature of the cooperation between KFOR and UNMIK in the field of security?

- 3) Do the answers to questions 1 and 2 suggest that there is potential for improved cooperation between KFOR and UNMIK if their respective success criteria were to be streamlined and uniform?

The Kosovo operation was in a way a pilot operation because humanitarian reasons provoked armed intervention. The operation is enormous in terms of geography and scope of responsibilities, as well as in terms of participating states and agencies. The United Nations mandate they operate under is unusually strong, and includes clear (however general) targets and an obligation for military and civilian agencies to cooperate. Access to open documentation on Kosovo is quite good. Civilian-military cooperation in peace support operations is an area of special interest. The international community has increasingly taken upon itself to actively intervene in armed conflict. The combined utilities of military strength and protection capacities (deterrence), and civilian reconstruction and reconciliation expertise (encouragement), have proven to be invaluable in this context. Coordination and joint efforts has been fraught with frictions, however, as military and civilian agencies have formerly been happily confined to separate and limited competencies.

This thesis is structured as an examination of civil-military cooperation within one sector – security – in Kosovo. (Chapter 5: “Implementing KFOR-UNMIK security cooperation”) The case study is conducted using methods which will be separately accounted for. (Chapter 2: “Research methods”) A short account of how success criteria and cooperation are treated in more general academic literature serves as an analytical framework. (Chapter 3: “Theoretical background”) A brief background on the development of peace support operations and the international community’s involvement in conflict resolution is also provided. (Chapter 4: “International intervention and Kosovo”). The findings are finally brought together and assessed with respect to the research questions. (Chapter 6: “Summary and conclusions”).

2 RESEARCH METHODS

This chapter aims to draw attention to and point out potential implications of some of the research methods that have been employed in order to answer the problem formulations of the thesis. The first section is a short reminder of the research questions sought answered, and a reference for the definitions employed for the most central concepts. Secondly comes a description of the type of research project conducted, a single case study, along with reasons for this choice. Finally follows a presentation of the different sources the thesis is based upon and an assessment of their value and usefulness for the research project.

2.1 Concepts in the research questions

The questions the thesis aspires to answer are, as described in chapter 1, the following:

- What are the success criteria that the KFOR and UNMIK respectively apply in their daily work for increased security in Kosovo?
- What is the nature of the cooperation between KFOR and UNMIK in the field of security?
- Do the answers to questions 1 and 2 suggest that there is potential for improved cooperation between KFOR and UNMIK if their respective success criteria were to be streamlined and uniform?

Some of these concepts will be thoroughly treated in chapter 3, because they need to be understood on the background of theoretical arguments presented in that dedicated chapter. Some of the concepts are clarified in the empirical presentation of the case and study objects, because they need to be understood on the background of the factual situation and history. The intention of this section is merely to provide the reader with a “road map” for the analysis ahead and to sort out the meaning of the more trivial concepts in use.

The meaning of “success criteria” will be thoroughly discussed in chapter 3, both in terms of what they constitute for peace support operations and for organizations more generally speaking.

Comprehensive descriptions of both KFOR and UNMIK will form the beginning of chapter 5 on the basis of a brief historical background of their formation given in chapter 4.

The concept of “security” employed in the present context will be a very conservative one: “Physical security for human life and property”. This implies that actions taken to preserve such security are limited to securing territory and restoring law and order. A thorough discussion of the security concept and the chosen definition comes in chapter 4, where it naturally constitutes a part of the wider background description.

“Cooperation” here refers to concerted actions between UNMIK and KFOR, between the civilian and military agencies, in order to ensure security. Throughout the text the term “civil-military cooperation” will be widely used in this meaning. This is not to be confused with the term “CIMIC”, which is often seen in literature about for example peace operations and conflict studies. “CIMIC” is a technical term which denotes liaison and public relations functions of military agencies toward civilian agencies and/or the general public. (Lindemann 2002: 61) The term “cooperation” will also be discussed in chapter 3 with special regards to its meaning when it comes to organizational cooperation.

2.2 The case study analysis

The present thesis is a single case study. Characteristics of single case studies are that there is only one study object, but many variables. In political science, the case is frequently an ongoing phenomenon. A single case study in political science is, as a general rule, non-experimental.

The fact that there is only one study object but several variables makes for a “deep”, not “broad” study. The analysis ideally produces thorough insight into the one case, but does not provide grounds for generalization.

Generalization requires a considerable body of comparable cases, the analyses of which point in the same direction with regards to a specified issue or problem. However, Yin (1994: 106) argues that single case studies can be very valuable, for example when a “pattern-matching logic” is applied. The idea of this logic is to compare an empirically registered pattern with a predicted one. If the patterns coincide, this can help strengthen the internal validity of the case study. The primary aim of a single case study is nevertheless enhanced understanding of that case, not primarily to gain a basis for making statements about the category of phenomena or processes the case belongs to. (Andersen 1990: 121-127) The single case in this dissertation is “civil-military cooperation in the security sector in Kosovo”, where “civil” is defined as “UNMIK”, and “military” is defined as “KFOR”. This appears immediately logical because UNMIK is a civilian agency with and KFOR a military one. “Cooperation” will, equally logical, be understood as their joint activities to promote security. Hence, the definitional validity of the concepts should be adequate, as there is a logical relation between concepts and contents. (Hellevik 1991: 42) The security concept utilized is one of a narrow definition strictly focused on physical security for people and property. It will be separately discussed in section 4.4.

When a case is ongoing, it means it is not possible to analyze the case as an isolated phenomenon, because it has no end point. It can be very difficult to separate an ongoing case from its environment, which complicates a stringent analysis. Generally speaking, it is much harder to assume a “bird’s perspective” on something that is actually happening, as compared to finished processes where time has already provided answers. Categories become blurred. It is not obvious what are causes and what are consequences. Thus, it is tricky to work out an analytical framework and make correct, clear and exclusive distinctions between concepts, processes, milieu, agents, and results. That is not to say analysis of ongoing cases is a waste of time – speaking in terms of for example practical politics, such research can be very valuable as it normally does produce useful new knowledge about a problem.

The fuzzy edges of ongoing cases, again, bear most significance for the generalization potential. (Andersen 1990: 121-127) All of the mentioned circumstances can be said to apply to the case of the present thesis. There is no telling where Kosovo is heading, even in such a narrow field as security. A myriad of agents and preferences are involved in the many processes, and patterns are frustratingly diffuse. Kosovo is not a theoretical problem. The potential value of enhanced understanding of how civil-military security cooperation there can be improved, can hardly be overestimated. One issue is the enormous resources being spent for this purpose, and the potential for getting more security out of every dollar following better information about what works and what does not. A more pressing concern is of course the lives and times of the people of Kosovo, and how greatly they are affected by the difference between success and failure in this respect. Research can therefore be warranted despite the inherent analytical weaknesses connected with ongoing cases.

That a case is non-experimental carry many of the same implications as ongoing cases. Basically, it means it is not possible to conduct contra-factual tests. Any development, process or phenomenon can only be analyzed as it is. Conditions and premises cannot be altered to check for alternative outcomes. This is relevant because single case studies often are explanatory and/or prescriptive. Their aim is frequently to suggest (a) course(s) of action preferable to others, based on knowledge about the features of the problem issue and wanted outcomes. When a case is non-experimental, all suggestions are necessarily based on assumptions. Consequences of courses of action not taken can never be known, and prescriptions can only be based on more or less well-founded expectations of specific consequences. (ibid: 121-127) Again, the relevance for the Kosovo case is quite clear. Conditions, restraints and possibilities are given. Analysis trying to prescribe measures to produce specific results must be based on the actual nature of the problem. As the goal of the Kosovo operation is an altered situation on the ground, enhanced understanding can improve decision making simply because

information is the basis of decision making processes. In that scenario the single case study can be valuable even though it cannot produce absolute answers in the way that, say, natural sciences often can. The goal of this thesis is not to make recommendations regarding security in Kosovo, but rather to find out if and how success criteria affect security cooperation there. However, it would be unwise to exclude the possibility that findings will appear that can offer a contribution to the continuous debate about how improvement can be achieved in this sector.

Finally, the problem formulations here come in the shape of questions, not hypotheses. The reason for this choice is simply that the candidate does not have a sufficiently clear idea about what may be the likely causes and consequences to conduct such a strict analysis and to form such precise assumptions. (Hellevik 1991: 38) For the same reason, no actual pattern-matching will be attempted. This is an explorative study, the findings of which may provide a ground for further studies which could in turn possibly be targeted enough to be organized around hypotheses.

2.3 Data sources

The information upon which this dissertation is based is drawn from several sources. Most are open sources. However, one set of information, an interview catalogue, is the unpublished property of a Norwegian research institution. Access to the catalogue is restricted as of yet, and was granted the present candidate on condition of anonymity for informants/interview subjects. In addition to the interview catalogue, which is to be more closely described, the most prominent data sources have been official documents and reports, official websites, existing research presented in books, periodicals, and conference papers, and to a lesser degree news in print and broadcasting.

The review of the case is based on documentation covering the period from June 1999 to October 2002.

2.3.1 Official documents

The United Nations Security Council Resolution # 1244 (UNSCR 1244) is the document that states the mandate of the international intervention in Kosovo, and will be a constant point of reference in this dissertation. Section 5.1 presents the contents of the Resolution, and the entire Resolution text is provided in Annex 1.

The reports “*pursuant to the UNSCR 1244*” presented by the United Nations Secretary General (UNSG) to the United Nations Security Council (UNSC) approximately 3 times a year are a valuable source of information. The reports cover progress and problems faced by the Kosovo operation in specified time periods and start in the summer of 1999. They contain a general situation summary and describe the status of specific task areas compared with the goals set forth in the UNSCR 1244. Although the reports concentrate on the United Nations Mission in Kosovo (UNMIK) they contain significant details about operational cooperation between UNMIK and the NATO-led Kosovo Force (KFOR).

The International Commission on Kosovo was a panel of international representatives who conducted an evaluation visit to Kosovo in 2000, and issued the so-called Kosovo Report based on their findings. The Report includes a solid background chapter, describing the historical and political events that led up to the 1999 intervention. The account of developments on the ground in Kosovo as well as in the international diplomacy proved a valuable source of information for chapter 4 of this thesis.

In addition topic-specific reports have been used as reference. The UNMIK Police Annual Report of 2000 is a detailed account of organization and priorities in the Civilian Police sector. More recent editions have not been found. The OSCE Report “*Kosovo/Kosova: As Seen, As Told*” of December 1999 extensively covers human rights violations committed in Kosovo from June to October 1999.

Official documents and reports are generally seen to be reliable sources in that the information they present largely can be checked and verified. To

the extent that a critical approach is warranted, this largely has to do with the problem of “non-information”. The question to be asked is “*What has not been told?*” Omission is a relevant problem regarding almost every source. In the case of Kosovo selective information is potentially an extra sensitive issue, considering that the recent conflict has given every interest group incentives to display certain facts and conceal others. This is such an obvious consideration that serious institutions like the UN and the OSCE can be expected to carefully assess the information they forward precisely to avoid strong biases. The fact that official documents from these organizations on the whole present the views of many involved interest groups, as well as contain criticism of the efforts made by themselves, strengthen the impression of balanced presentations.

2.3.2 Official websites

The websites consulted are first and foremost the official websites of the UN, KFOR and UNMIK. Websites have been used for two main purposes: One was to find documents and reports as described above. The other was to find facts about the organizations and their work.

Self-presentations over the internet have the advantage of being regularly updated and immediately accessible. Any fact stated on an official website is public and can be checked and verified if wished. Self-presentations may of course be slightly biased in that they may emphasize achievements and successes and play down failures. This problem has actively been sought avoided in the present thesis by referring also to other, possibly more sober, sources whenever evaluation issues arose.

2.3.3 Research

Existing academic work on peace operations, success criteria, organizations, Kosovo, and the international operation in Kosovo forms the largest body of sources for the present dissertation.

Most of the contributions on peace operations were written in the latter years of the 1990s and the beginning of the 2000s. The reason for this is mainly that peacekeeping has changed dramatically since the fall of the Berlin Wall. Earlier research has simply lost much of its relevance because the practices studied largely are not in use anymore. There are some notable exceptions, especially within the more general approaches to peace operations. Articles in periodicals such as *International Peacekeeping* have been very useful, particularly for their recency. Conference papers have likewise been valuable, as they gather new and frequently custom-made contributions from researchers and practitioners in many fields to shed light on many sides of one issue area. Research on peace operations have been used as sources for two aspects of the dissertation; for the empirical side, in the presentation of the Kosovo operation and its functions, and for the discussion of success criteria in peace operations.

For the discussion of different aspects of organizations and generation of success criteria within them, three introductions to organizational theory form the basis. Three standard works would be an insufficient basis for a theoretical dissertation. In the present context, however, organizational theory merely acts in support of what is essentially a single case study. The theoretical aspects provide an explanatory background for the case, not theoretical assertions to be tested.

2.3.4 Interviews

The interviews mentioned above were conducted and compiled on a field trip in Kosovo, more precisely in KFOR, in August 2001 by Sven Kristian Nissen, then a Political Science graduate student on a scholarship from the Norwegian Institute of International Affairs (NUPI). Nissen used the interviews as a source in his own graduate thesis, but they were in fact conducted and made into a catalogue for the main purpose of constituting part of a larger KFOR database under NUPI auspices. The topics for the interviews were partly the daily workings of the KFOR operation, and partly the issue of Norwegian command

of that operation.¹ The interviews were conducted in a semi-structured manner, however, and a significant amount of information can be found in the catalogue regarding issues also of civil-military cooperation, multinationality, and many other topics that the subjects considered central for how KFOR functioned. The catalogue is a unique source of insider opinions, analyses and evaluations of KFOR and the entire Kosovo operation. The 65 subjects had different positions in KFOR and some in civilian agencies in terms of both rank and tasks, and come from different nations. Their views offer a rare perspective on a military organization, which under normal circumstances usually never communicates to the public except in official press statements.

The use of the interviews is, however, fraught with restrictions that possibly reduce their academic value. First of all, they are unpublished. Access was granted this candidate for the use in this dissertation, and very explicitly nothing else. Because of the sensitive nature of many of the issues, informants spoke under condition of anonymity. Therefore, all quotes refer to approximate position and agency. The final decisions regarding quotations have been made by research officials at NUPI, who are the owners of the information and responsible towards the informants. Secondly, it could be argued that field work should always be custom-made; that is, interviews conducted by somebody else for a different purpose than the research project in question should not, as a general rule, be used as a source. It is true that a critical view is appropriate whenever relying on somebody else's data or research. In this case the interviews were conducted for the purpose of building a database on KFOR, not just for Nissen's own thesis. It was always the intention to use them for several research purposes. They were formally conducted under the auspices of a well-renowned research institute. The KFOR Operational Analysis Unit was supporting this activity, and staff from the Unit who have their daily work at the Norwegian Defense Research Establishment have continued their involvement upon their return to Norway

¹ Norwegian Lieutenant-General Skiaker from the NATO Command in Jättå, Stavanger, was commander of KFOR 5 (COMKFOR) from April to October 2001.

ultimo 2001. The fact that the data are not yet publicly available is above all due to the sensitive nature of some of the contents and comments, particularly regarding military technicalities and national differences. Careful assessment is necessary before the database can be widely drawn upon.

In this dissertation the interviews have largely been used for the purpose of highlighting points, for illustration, for reinforcing arguments, and so on. They do not compose a crucial basis for the argumentation or conclusions. As such they work well despite restrictions and weaknesses. Evaluative statements from KFOR are generally not available elsewhere, while UNMIK presents views in the reports to the UN Security Council.

2.3.5 Assessment of the data sources

The reliability of the data is generally considered to be good, because the sources are both reputable and the information verifiable. The question of data validity has to do with the coherence between definitional validity and data reliability. (Hellevik 1991: 43) Because many of the topics that have to be dealt with in the dissertation are of a sensitive political nature, it must be expected that available data carry a mark of discretion and diplomacy. This is true for a vast amount of research in international relations. As long as any findings and conclusions are considered with this factor closely in mind, the data material can in all likelihood be deemed sufficient for the dissertation purpose, if not exhaustive.

2.3.6 The non-conducting of field work

There are several reasons why field work has not been conducted for this project.

First of all, the topic here is not Kosovo *per se*, but cooperation between two international organizations. Both organizations are large and well known and produce extensive information about themselves and what they do. While personal experience and first hand gathering of data certainly add a depth to analysis, it is this candidate's conviction that publicly available data suffice for

the project at hand. Access to the interview catalogue discussed above offers valuable inside information and viewpoints of key personnel of the kind that field work can be expected to produce. Both of these arguments substantiate that the sources used constitute sufficient, although not perfect, evidence upon which it is possible to conduct the analysis in an academically sound manner. Practical objections also ruled out field work. An international operation like this is covered with restrictions as to what can be discussed with outsiders. The interview catalogue already available was compiled in cooperation with an Operational Analysis Unit organic to KFOR. There is every reason to believe that interviewees spoke more freely in that context than they would to an anonymous graduate student, and that access to high-ranking personnel was granted which could not otherwise have been counted on.

For all of the above reasons it seemed a more useful and fruitful alternative to rely on available source material for this project, especially as careful assessments were convincing that such information would be sufficient for the research project.

2.4 Summary

The definitions and contents of the most central concepts that constitute the research topic are generally accounted for in chapters 3, 4 and 5. This choice allows for a more thorough discussion of each concept in its factual context.

The chosen research format is the single case study. The subject is an ongoing, non-experimental phenomenon, and the aim of the analysis is above all enhanced understanding. Therefore the research topic is posed in the form of questions, not hypotheses.

Research is largely based on open sources and readily available data, drawn from academic literature, official reports and documents, web sites, and to a lesser degree media. In addition, unpublished interviews with KFOR and some UNMIK personnel made anonymous are used to add valuable inside comments. Field work has not been conducted, both because it did not appear to be required for the task at hand, and for practical reasons.

3 THEORETICAL ASPECTS

In this chapter a theoretical background will be given for the ensuing case analysis. As accounted for previously, theoretical propositions or proper hypotheses will not be propositioned. However, a review of existing research on the topics under investigation can be helpful in identifying important aspects and dimensions of a problem complex. Since the case is both one of international cooperation and institutional cooperation, it seems logical that relevant input can be found in the disciplines of both international relations and organizational theory.

The background below is organized around some of the most central concepts in the problem formulations: success criteria in the context of international peace support operations (PSO); success criteria in an organizational context; and finally cooperation and change in an organizational context. The chapter 3 summary highlights the relevance of the presented theory for the case.

3.1 Problems formulations

The precise research questions to be investigated, are the following:

- What are the success criteria that the KFOR and UNMIK respectively apply in their daily work for increased security in Kosovo?
- What is the nature of the cooperation between KFOR and UNMIK in the field of security?
- Do the answers to questions 1 and 2 suggest that there is potential for improved cooperation between KFOR and UNMIK if their respective success criteria were to be streamlined and uniform?

This chapter approaches the central concepts in the problem formulations. First if all, what are “success criteria” in the context of peace support operations? How are they created and how are they being used? How does generation of success criteria come about in organizations?

Secondly, what does the literature say about “cooperation” in terms of having two distinct organizations working to some extent as one, to some extent as separates? The third question is speculative, contra factual, in that it asks for potential for change. What does the literature say about conditions for change in the operations of organizations? Hopefully the answers to these questions will also suggest how the terms may relate to each other, which in turn could be a useful guideline in the later discussion.

3.2 Success criteria in international operations:

There is a serious lack of theoretical work on the concept of “success criteria” for peace support operations. Extensive and repeated literature searches have not produced a single book and only one article (Fetherston, A. B.: “Peacekeeping, Conflict Resolution and Peace Building: A Reconsideration of Theoretical Frameworks”. *International Peacekeeping*, Spring 2000) dealing with success criteria *per se*. It seems a scientific search for general, universal success criteria that could be applied for the evaluation of every peace support operation has not really been undertaken. One reason may be the fact that the concept of peacemaking itself does not come in any standard framework, any definitive legitimization established in a legal text or other formal document. It has been developed and effectuated on an ad-hoc basis through the years, each operation and initiative tailor-made for the specific territory and conflict it was made to address. This circumstance makes generalization problematic, because from the outset there exists hardly any common denominators between the many and dramatically different operations. Indeed, the Brahimi Report of August 2000, recommending the UN’s future “*strategic direction in peacekeeping operations*”, isolates this as the most important challenge for future peace support operations: To reduce the haphazard character of UN interventions and bring more coherence to them to increase efficiency and success rates. (Strategic Survey 2000/2001: 45)

There is, however, quite a bit of academic evaluation of peace support operations. In the past few years there has been extensive research on

peacekeeping, intervention and related subjects, which attempt to determine whether or not specific operations and initiatives can be defined as successful. The following section reviews some contributions representing the span of approaches taken. They illustrate some of the most widely used success criteria for peace support operations in the academic community.

3.2.1 Success as mandate fulfillment:

The mandate of a peace support operation states what the operation is supposed to be doing, like an advanced “job description”. In that sense it seems logical to hold achievements against mandate when evaluating an operation. It is indeed uncontroversial to propose that mandate fulfillment equals success.

Gunnar Fermann wrote in 1992 that it is crucial to leave out the political element when evaluating peacekeeping. The nature of the final settlement and how it comes into existence is not the concern of any peacekeeping force, meaning military presence. International forces’ only task should be related to the physical and external security of the conflict-ridden territory. That implies that evaluation should be conducted detached from the situation inside that territory, detached from the situation of the local population. The argument is that military forces perform military tasks. Conflict resolution on a more penetrative scale is none of the military’s concern, and if the borders are secure, their job is well done. (Fermann 1992: 16) Obviously, Fermann wrote at a time when mandates usually only dictated to keeping fighters from each other’s throats. Presently the UN issues mandates that refer to total rebuilding of post-conflict societies. Mandates are still intended to be implemented partly or wholly by military personnel, however. This circumstance has raised a whole new set of questions and challenges regarding the military’s role and tasks, which may be crystallized into this: Military establishments are designed to make war and destroy. Now they are assigned to use its structures to make peace and rebuild. (Frantzen: 23.04.02)

Duane Bratt (1996) lists mandate performance as success criterion number one, and adds that it is a relatively straightforward procedure to establish whether fulfillment has taken place. He quickly goes on to remind the reader that mandate texts frequently are vague and open for interpretation both as to the scope and detail of any given mission (citing Paul Diehl's 1993 *"International Peacekeeping"*). Also, the United Nations Security Council (UNSC) has been known to issue mandates that both the UNSC members and everyone else knew would be undeliverable. One common reason for this phenomenon is that mandate texts are written not only for the benefit of the territory in conflict. They must also satisfy crucial UN member states – notably permanent members of the UNSC and any state that appears as a sponsor of the mission that is being launched. (Bratt 1996: 67) While mandate texts certainly can be problematic with regards to their potential for realization, they do nevertheless represent the will of the UNSC and as such must be considered.

In much of the literature mandate performance is taken for granted as the primary success criterion for any mission, on the ground that the mandate is the "job description". All of the case studies in *"Beyond Traditional Peacekeeping"* (1995), for example, use mandate performance as the first success criterion, without any real prior discussion of this analytical choice. Yasushi Akashi (1998) identifies "success" in peacekeeping with mandate performance with no further discussion, but takes a detour over the roles and responsibilities of the UN Security Council and the Secretary General. He is very explicitly stating that the UNSC is setting policy when issuing mandates, and that policy must have an objective that is clear, readily understood, and achievable. He goes on to say that once the goal is established, necessary means to achieve it must be identified and provided. All of this is the responsibility and duty of the UNSC. (Akashi 1998: 125-127)

It is very difficult to find analyses that question the notion of mandate performance as a success criterion. Indeed, the present writer has only found one: Fetherston's article which is accounted for below. However, there is a lot

of literature that addresses problems with mandates when it comes to performance and success. Berdal (1995) points out two circumstances that make for undeliverable mandates in an article about UN peacekeeping in former Yugoslavia. Security Council mandates are always a product of political compromise that reflects competing interests of UN member states. As such, they do not, and most likely never will, satisfy a ground commander's requirements for an "unambiguous mission statement". (Berdal 1995: 234) Mandates are not formulated primarily with the conflict at hand and the specific challenges it poses in mind; they are formulated first and foremost in a way that will allow it to pass a UNSC vote. This means they frequently do not address root causes of the conflict. (ibid, 234) Secondly, mandates are often issued detached from any plan as to the commitment of resources. The result in such cases is that the mandate can be rendered undeliverable due to lack of finances, materials, personnel, and other economic resources. (ibid, 233) These challenges echo the conditions for success outlined by Akashi as quoted above; when there is no clear objective and resources are not provided, how can mandate performance/success be expected?

These problems really consist of a lack of connection between the mandate and the realities of the conflict it addresses, the contents of which are usually known to those who issue mandates. In this light it can seem unfair and also incorrect to use mandate performance indiscriminately as a success criterion. On the other hand, given the above arguments it seems that the mandate text is as neutral a standard as can be achieved, against which to measure the success or failure of an initiative.

3.2.2 Success as conflict resolution:

In her article "Peacekeeping, Conflict Resolution and Peace Building: A Reconsideration of Theoretical Frameworks" of 2000, Fetherston deals with the discourse of international relations and conflict resolution theory itself. Her motivation is the *"continuing inability of interventions to initiate long-term sustainable solutions to [current problems]"* (that is, of peacekeeping and

conflict resolution). (191) She argues that insufficient theoretical work in this field greatly contributes to the very real problems of effectiveness and success in international operations (ibid). The lack of effectiveness and success here refers to the depressing fact that intervention rarely, if ever, has resulted in peaceful and happy post-conflict societies. There has been some conflict management, not much resolution. Fetherston attacks what she perceives as the dominating *discourse* of peacekeeping and conflict resolution. A discourse would here be the basic preconditions that lie at the base for any argument and any research, the notions that are taken for granted and not in themselves questioned in analysis. The author sees the reigning discourse in a modernity perspective, where rationality is the mover of the world. In conflict resolution this implies that peace support operations should promote the *rationality* of the belligerents. Rationality dictates that actors seek optimal correspondence between goals and means. With help they will *realize* that peaceful, cooperative problem solving is the best way to settle disputes. (ibid: 197) Fetherston rejects this idea as it precludes the existence of alternative truths and alternative rationality (ibid: 198), and also because it rests on a hegemonic worldview. In short she argues that theories on conflict resolution and peacekeeping that originate within the discourse ultimately may exacerbate the very problems they are intended to solve. This is because they are part of the power structures that produced the problems in the first place. One possible way to go to avoid this, says Fetherston, is to move beyond hegemony and structures. This would basically mean to start the post-conflict society from scratch in order to free the environment from the power relations and structures that were part of the conflict and build new relations, untainted by historical enmities. (ibid: 213)

In a grand school debate this contribution would have to be placed within a constructivist perspective: the prescription is to make new preconditions. This dissertation does not aim to engage in the discussion of grand theories. While it may be possible to change the way we understand the world, and then act to change realities, this is not really a useful starting point

for the present research. Fetherston's article is in this context mostly an interesting argument for understanding success in international operations as conflict resolution, reconciliation and rebuilding of amiable societal relations.

Paul F. Diehl offers a comprehensive discussion of international peacekeeping in his 1993 *International Peacekeeping*. He also makes the case for looking at the actual situation on the ground when determining whether or not an operation has been a success. His point of departure is that peacekeeping operations should be judged on their ability to keep peace, that is, to prevent further violence in the territory. (Diehl 1993: 36) Secondly, the degree to which the operation contributes to conflict resolution must be considered, recognizing that peace does not merely mean "absence of war". (ibid: 37) Containment of fighting is a necessary, but not sufficient, condition for conflict resolution. Belligerents may very well be happy with a stalemate rather than a lasting solution. (ibid: 38) Furthermore, a formal peace treaty is not necessarily the same as a lasting solution. These do not always represent real agreements between parties who have reached a compromise both sides believe is the best obtainable. (ibid: 39) According to Diehl, the ultimate sign of successful conflict resolution is the international presence having become superfluous. In 1993 this was not a widely shared understanding of what peacekeeping should do. Indeed, Diehl complains that *"Peacekeeping operations under the United Nations generally have not adopted this mode of operation. The deployment of peacekeeping forces has often remained separate from any efforts at resolving the dispute"* (ibid: 38) He adds that this must be kept in mind when evaluating them – most of them do not include conflict resolution strategies and aims. (ibid) Today, this picture has changed, as will be further illustrated below and in chapter 4.

Duane Bratt (1996) also includes conflict resolution as one success criterion against which to measure peacekeeping operations, *"[...] because it should be the ultimate aim of all UN efforts"*. (Bratt 1996: 68) Like Diehl and Fetherston, Bratt makes a normative argument – conflict resolution *should* be a requirement for the success stamp. Bratt acknowledges that "absence of

war” not necessarily means “peace”, and lists conflict containment as a separate success criterion. He refers here to keeping the conflict from dragging in more parties, not just a stopping of violence on the ground. (Bratt 1996: 69) He points out that in the end it is only the belligerents who can actually settle their differences, a fact which is often pushed aside in the public debate about the need to “do something to help”.

Heldt (2002) singles out several factors that affect whether a peace support operation in intra-state conflicts successfully causes war termination and/or war prevention. He conducts a quantitative analysis where many factors are given numerical values. Some examples are duration of the mission, composition of the mission, degree of ethnic polarization, presence of democracy, economic situation, nature of the mandate, the presence of war immediately preceding mission deployment, and the causes of the conflict,. The results show that variation in the causes of conflict, with conflict over government assigned the value 0 and conflict over territory the value 1 (defined as a binary variable), explains almost all the variation in “success”. The other 13 variables contribute insignificant variations compared to this one. Success becomes dramatically less likely when the source of conflict is a territorial issue. (Heldt 2002: 120-126) Heldt emphasizes that the analysis is the first of its kind and the results must therefore be checked and checked again to determine scientific reliability. (ibid: 127) However, the results are a very interesting contribution to the debate on success in international operations. They indicate that conflict resolution may not be an entirely fair success criterion because this largely lies outside the peacekeepers’ influence sphere. As Heldt dryly comments; *“Unfortunately, the sources of conflict are not easily manipulated in a more favourable direction.”* (ibid: 124)

All these contributions use the situation on the ground as a reference point. That means every mission must be evaluated as a unique case, something that greatly complicates generalization. At the same time it seems immediately logical that a success stamp cannot be awarded unless the conflict that called for a mission has been visibly alleviated. Theoretically valid

standards are crucial for social sciences. However, care must be taken so that science is not removed from the real world and renders itself meaningless to everyone but the researchers. Using mandate performance as the prime success criterion may be the theoretically more sound option. In cases of practically undeliverable mandates this is meaningless when evaluations go out to people and policy makers in the real world. Using conflict resolution as the standard seems more “right” in this sense, but then there is the problem of generalization. One possible way out of the “case-bind” could be to further explore ways to establish general standards for what is meant by “conflict resolution”, which could be applied irrespective of time and place.

In this thesis, mandate fulfillment will be treated as the main success criterion, both because the agents themselves apply this as their main success criterion and in want of a better option (see above argumentation.).

3.3 Generation of success criteria in organizations

Above research in International Relations was reviewed for clarification on success criteria for peace support operations. International Relations theory is useful for explaining the processes that led to KFOR’s and UNMIK’s creation (see chapter 4), as well as the international community’s involvement in them and evaluation of them. However, KFOR and UNMIK operate as independent organizations on a daily basis. Mandate fulfillment is their common goal, and henceforth goal attainment will be understood as success criteria.

In order to reach an enhanced understanding of the dynamics of organizations in terms of success and cooperation, a short introduction to organizational theory on goals and effectiveness is provided in the following.

3.3.1 Goals for organizations

Organizations may be defined as concerted actions to explicit ends. (Jacobsen and Thorsvik 2002: 12) The goal of the organization is the situation that the organization seeks to achieve with its activities. Such a situation may be an ideal state rather than a realistically attainable achievement, or it may be

something as definitive as the solution of a specific problem. An organization will normally also operate with a list of sub-goals; steps required in order to reach the final goal. Sub-goals frequently take the form of tasks delegated to different sections of the organization. Ideally, there is a clear connection between the goal and the sub-goals, and between goals and available means. Goals will support, not contradict, each other. Disposable means will be sufficient and suitable. Goals are important for organizations because they provide them with a purpose, and with criteria for evaluation – *success criteria* if one wills. (Jacobsen and Thorsvik 2002: 42-46)

In reality, goals can be poorly fit to function both as providers of purpose and as success criteria. One common problem is unrealistic or diffuse time horizons. It is difficult to work in a goal-oriented and focused manner towards something that cannot possibly be reached. On the other hand, undefined timeframes may allow for necessary flexibility in the daily work. Some goals can never reach conclusion, because they refer to a continuous state. And when an organization reaches its ultimate goal, does it dissolve itself and cease to exist? Usually not – new goals are generated instead, indicating that once an organization is up and running its own survival becomes a goal in itself. Also, in the real world there is frequently ambiguous connections between goals and means, which can produce confusion both inside an organization and between the organization and its environment. Finally, an organization can, and frequently does, employ realistic and symbolic goals simultaneously. It is vital to see the difference between those categories when it comes to formulating success criteria. Symbolic goals are not necessarily useless even if they are unattainable. They can give legitimacy. Ideal states can be valuable as aims of perfection to strive for (ibid: 47-49).

In addition, organizations are not unitary agents, but consist of groups and individuals. That implies that the official goals and sub-goals of an organization almost by definition will be accompanied, or even opposed, by the goals persons and groups within the organization hold for their own positions or efforts. This is a trivial, but significant element to keep in mind when

analyzing success criteria and organizations. (Jacobsen and Thorsvik 2002: 49-52)

3.3.2 The “goal model”

The “goal model” of effectiveness for organizations, as presented by Richard H. Hall (1982), incorporates the above-mentioned aspects. It is simple, in that its definition of effectiveness refers to “*the degree to which [an organization] realizes its goal*”. It is complex, in that it recognizes that most organizations in fact have multiple and frequently conflicting goals. An analytically useful distinction is made between official goals and operational goals. The former category refers to general purposes of the organization, while the latter refers to the actual tasks performed by the organization. The operational goals are to be understood as steps towards the official, or ultimate, goal(s). At this point time comes into the equation: operational goals change with time, for three main reasons: First, organizations are in constant interaction with its environment, and will influence and be influenced by it. Second, organizations are not static, and so are subject to constant internal dynamics that may produce change. Third, the organization’s environment may cause indirect pressure, such as major shifts in the society’s values, an altered macroeconomic situation, etc., which may induce change. All of these factors contribute to make operational goals more fluid than official ones.

(Hall 1982: 278-282) That in turn affects perceptions of goal achievements, or success.

There are problems related to using the goal model for generalization purposes. The issue of multiple, contradicting goals is analytically difficult to handle. When it comes to outcome, the comparative standard by which effectiveness is measured, it can be difficult to single out what outcome is produced by what action in the organization – indeed if the outcome is produced by the organization at all, and not by external force(s). Inability to determine the nature of outcome makes evaluation very hard. Furthermore, goals can function simultaneously as incentives and as success criteria, both

as motivation factors inside the organization and as evaluation standards for internal or external reviewers. If the same, identical one concept acts in two very different roles at the same time, analysis is greatly complicated. Finally, evaluation is never neutral, and organizational effectiveness – or success – will therefore be subject to the eye of the beholder. (Hall 1982: 282-286)

3.4 Cooperation and change in organizations

Contributions from two different research fields of political science helped to illuminate some of the many factors that are at play when working out and applying success criteria for organizations in general and for international operations in particular. Now a brief backgrounder on the second central concept of the main problem formulation: *cooperation*, and its natural next step *change*. For that purpose, it could be useful to look to another school of organizational theory for a useful explanatory framework, namely Institutionalism.

3.4.1 New Institutional Theory:

According to the new institutionalist theory as explained by B. Guy Peters (1999), institutions are “*collections of interrelated rules and routines that define appropriate actions in terms of relations between roles and situations*”. (Peters 1999: 28) In this perspective one could say that any institution may be described as formalized cooperation. Institutions are formed when actors realize that their individual goals can best and most easily be reached by pooling efforts with others. This type of institution is called “aggregative”; actors join on a contractual basis with the motivation of individual gain. (ibid: 27) Typical examples include interest organizations, where members work together towards the same goal, which is to their individual benefit.

Institutions consist of norms, rules and roles. Roles can be defined as “sets of behavioral expectations applied to positions”, where any actor’s actions are supposed to be determined by the expectations attached to the actor’s position in the institution. (ibid: 30) The actor will behave according to

these expectations as long as they serve his interests. Staying in line with other actors in the institution is often perceived as being in the best interest of the individual even when deviance is more lucrative in the short term, because the common goal may not be obtainable if the actor rejects institutional participation. The norms and structures of the institution will usually be derived from the society in which the institution originates, meaning members normally share basic values and norms for collective behavior from the outset. (Peters 1999: 32) One weighty exception here is military organizations, which do not necessarily contain identical values and norms as the society they come from, but rather share uniquely military values and standards. (ibid: 32). **Cooperation** in this paradigm may be explained in a rationality framework. Aggregated efforts yield more benefits towards the common goal than each individual effort would have done, therefore it is rational for actors to work together. (ibid: 27) However, problems may rise if individual interpretations of rules, norms and roles obstruct uniformity. Not every rule and norm is written, nor is every written guideline unambiguous. (ibid; 30). Diverging perceptions on what the rules and routines are, can create cooperation problems and thus complicate the quest for the common goal. **Change** in an institution, according to New Institutionalism, is a product of events. When faced with unfamiliar challenges the institution will resort to its existing repertoire of responses. Only if and when these prove insufficient will the institution search for alternatives. Change in the institution's environment is therefore, ultimately, the only thing that can produce change in the institution. (ibid; 33-34)

3.5 Conclusions and summary:

The aim of this chapter was to clarify the central theoretical concepts used in the three main problem formulations in order to ease the ensuing analysis.

The two, or three, **success criteria** that kept reappearing in the review of literature on peace operations, were mandate performance and conflict resolution – the third possibly being conflict containment as a separate quality. However, these standards have come up not as a result of a critical, academic

discussion about how to define success criteria. These are "just" the standards that are most frequently used in actual evaluations of different operations. Most of the authors fret at the lack of neutral, theoretically sound success criteria that can be applied across the board. They do, however, recognize that there is a very pragmatic reason for this void in peacekeeping research: Different operations are simply so unique that comparing them very rarely reveals patterns that allow for generalizations on such a level. Also, it is not necessarily fair, or meaningful, to measure an operation against even the two very general criteria stated above. Mandates can be undeliverable, in which case failure is guaranteed. And belligerents who do not want a solution will not be receptive to any peace plan – in which case failure is guaranteed again. Both of these unfortunate circumstances are present in quite a few of the ongoing peacekeeping operations in the world today, and they frequently appear together.

Regarding success criteria in organizations, it is convincingly argued that organizations display many contradictory considerations when formulating goals and evaluating success. The relevance for the present dissertation is clearly that multiple and conflicting success criteria must be expected across and between KFOR and UNMIK. Their official goal is identical, expressed in the mandate provided by the United Nations Security Council Resolution (UNSCR) 1244. The scope and size of each organization which will become evident in chapter 5, necessitates an expectation of numerous operational goals on the different organizational levels. The question ultimately to be answered is whether such a circumstance is present, and if so, whether it hampers cooperation.

When it comes to **cooperation**, this can be understood as a concerted effort to work together towards (a) common goal(s). Agents in the institution/cooperation realize that they can gain more individually by pooling efforts and resources. This seems like a theoretically valid assumption regarding relations between KFOR and UNMIK, because they both work for

the realization of UNSCR 1244. However, divergent perceptions about rules, roles and routines may cause co-operation problems and confusion.

Change in the theoretical framework of Institutionalism occurs when established routines fail to promote the aim of the institution, which means that we should expect efforts for improvements if and when it becomes clear that established cooperation patterns do not help the organizations to accomplish their mission.

There are two institutions involved in the form of organizations, KFOR and UNMIK. It may be argued that they are also one institution, namely the “international presence in Kosovo working under the UNSCR 1244 mandate”. For analytical purposes we must look at UNMIK and KFOR respectively, and then together, because they are both two distinct organizations and one more loosely defined institution in the understanding of “formalized cooperation”. In chapter 5, descriptions of the organizations respectively and of their cooperation will be given as well as analyzed.

Nations that make up the UN are agents, who created both organizations by issuing the mandate UNSCR 1244. The nations that make up the two organizations are agents. As KFOR/UNMIK participation is limited compared to the number of states that are members of the UN, the states that maintain membership in both places must be understood as agents on two levels; in the UN and in the organization. Indeed, many states are members of both UNMIK and KFOR, possibly making them three times agents! Finally, the persons who fill the positions of KFOR and UNMIK are agents that influence the institution(s). When it comes to nations and persons as agents, these levels will not be separately analyzed here. Such an undertaking would require vastly more space, time and indeed access to information and informants than is presently available. It would be extremely difficult, perhaps impossible, to identify national and individual perceptions and interpretations of the mandate given in UNSCR 1244. Suffice it here just to bring attention to the many levels, in order to keep in mind the many sides to the story that could potentially be found.

Two apparent challenges for such a complex institutional framework stand out. First, institutions normally build on shared values in its society of origin. For both KFOR and UNMIK it is true that the components of the organizations come from not one society, but many (in the sense of nations). Could this produce conflicting norms and expectations inside the organizations? If the theory corresponds with reality, this should be expected. Alternatively, it should at least be expected that agents have different understandings of the rules, roles and norms. Notably, this expectation is different from treating nations as agents for analytical purposes. Any variation in perceptions and interpretations within and between the organizations will be understood merely as such – while keeping in mind that such variations can be rooted in, among other factors, cultural traits. Second, KFOR is a military organization, UNMIK is a civilian one. According to Peters, military organizations often work with values and norms that are separate from their societies of origin. If this is true, we should also expect different or even conflicting norms to apply to the military and the civilian branches of the international presence in Kosovo.

According to the theory change should occur if and when the normal procedures fail to deliver the intended results, and no existing procedures appear to be a good alternative. Then the institutions will acknowledge the need to change, and start developing new routines and possibly some new rules and roles as well.

The link between the concepts is suggested in the problem formulations. Success criteria indicate what the goal of an international operation is. When many people and units are working together to achieve that goal, they better pull in the same direction. If they operate with different success criteria, a change towards streamlined, uniform ones should be a considerable advantage because the different parts of the institution would start to pull in the same direction to a greater degree. Already it seems likely that a maze of crosscutting institutional identities and loyalties will reveal itself in the upcoming analysis. This in turn may create a situation where many

interpretations of both the goal and the process by which to reach it exist side by side and maybe in conflict.

With the theoretical concepts and expected patterns accounted for, it is time to turn to the substance of the problem complex.

4 INTERNATIONAL INTERVENTION AND KOSOVO:

Before venturing into a more thorough description of KFOR and UNMIK it seems appropriate to look at the legal aspects of international intervention and the historical background of the conflict in Kosovo.

4.1 International law and intervention:

To the extent that an effective international law exists, it is the United Nations charters. *The United Nations Charter of 1945* is the basis of membership, declaring principles for inter-state relations, which by their signature every member state has obliged itself to adhere to and respect. Two core principles are *state sovereignty and equality* and *non-intervention*. That basically means that no state can intervene in the internal affairs of another state. These are the fundamental rules of states' relations with each other, which establish that international law only applies to interstate problems. The two items can both be found in the Charter's chapter II. (Fife 1996: 25) The same chapter states that the use of aggression and/or violence in international relations is forbidden, but there is an exception to this rule written in the preamble (§ 7): The use of force must not be applied except when this is in the *common interest of the international community*. This is further reiterated in article 51 of chapter VII, which establishes states' right to self-defense. Thus the use of force is not outlawed under any and every circumstance. (ibid: 26)

The Charter also establishes that the UN is responsible for ensuring international peace and security, and the Secretary General (UNSG) and the Security Council are authorized to call upon the international community to act when peace is threatened or broken. The UNSC is free to employ any means it deems necessary to restore peace, including military action, and member states are called upon to provide the personnel and material resources the UNSC asks for. Chapter VII in the Charter is explicit on this point. That means the UNSC is *legitimately* obliged to intervene when, according to the definition of the UNSC, international peace is threatened or broken. Member states have accepted that the UN not only can, but must intervene in such a situation.

(Fife 1996: 28) Intervention may take place legally in one of two ways: By force and against the wishes of belligerents if their problem has been defined as threatening international peace according to Chapter VII; or with the consent of the belligerents. In the latter case operations will normally be based on Chapter VI, which establishes guidelines for the peaceful settlement of disputes with the active assistance of the UNSC. (ibid: 31)

Anne Julie Semb (2000) has argued that the principle of non-intervention has been considerably modified after the Cold War. She points to several cases of UN-authorized intervention in internal affairs of states on the grounds of gross human rights violations, state failure, or unlawfully constituted government. These instances probably represent a new understanding in the international community of what domestic circumstances can possibly constitute a “threat to international peace”. Semb shows how interventions due to humanitarian disasters in particular may drag the UN into ever more interventions, because it is difficult to draw clear and immediately logical lines between “bad” and “unacceptable” human rights violations. In addition, Semb argues that a softening of the non-intervention principle on normative grounds may lead to increasing accept for intervention that is not authorized by the UN as well. The 1999 intervention in Kosovo is, as shall be further demonstrated below, a case in point. (Semb 2000: 469-487)

4.2 A brief history of United Nations intervention.

Forceful intervention under Chapter VII has happened only on 6 occasions. 4 of these occurred in the 1990s. Only one sanctioned military action, namely against Iraq in 1991. The rest imposed boycotts and embargoes on different goods. (Karns and Mingst 1998: 201) This is an important illustration of the dramatic changes the phenomenon of international intervention under UN auspices has undergone during the organization’s existence.

In practice, the broad concept of *peacekeeping* has been the UN’s response to “threats to international peace”. It is not dealt with or even mentioned in the Charter. It has rather come into existence as a consequence

of developments on the ground. Not requiring UNSC unity or sanction, it is a creative tool for conflict resolution and has been designed on a case-to-case basis to apply to each conflict uniquely. (Karns and Mingst 1998: 202)

4.2.1 Traditional peacekeeping:

While the Cold War seriously hampered the UN's possibilities for effectively dealing with international conflicts, UN peacekeeping emerged as a tool in conflict resolution that did not threaten regional superpower interests. Most missions during the Cold War mainly did cease fire monitoring, borderline supervision, and different observation/verification tasks, all with the active approval of the conflicting parties. (ibid; 206-7) Traditional peacekeeping was based on three principles:

- 1) Consent by participants in the conflict;
- 2) Impartiality by peacekeepers;
- 3) Use of force by peacekeepers in self-defense only.

These principles, or guidelines, place several restrictions on how the peacekeepers work. They are to be considered guests in the Area of Responsibility (AOR), and they must treat conflicting parties evenhandedly and as partners. The principles of consent and impartiality deny the production and use of secret intelligence; all activities and information of the force must be available for anyone who's interested. The use of force, even in self-defense, remains highly controversial in this paradigm. Attacks on peacekeepers raise serious questions about the conflicting parties' consent. Any response raises questions about the peacekeepers' neutrality, as any blow necessarily is directed against at least one party. Such considerations bar a peacekeeping force from operating along normal military standards. (Bierman and Vadset 1998: 16-17)

4.2.2 "New" peacekeeping:

The warming climate between superpowers in the end of the 1980's meant an expansion of peacekeeping activities, something the UN generally handled

well. (Karns and Mingst 1998: 209) When the Berlin Wall fell in 1989, the world really believed that the UN finally could stand out as the strong actor for world peace that it was intended to be from the start but had been denied by superpower struggle.

However, conflicts actually proliferated rather than died. In want of superpower pressure, the world experienced explosions of many regional, smaller conflicts. Frequently they were based on ethnic and/or religious affinities, resulting in independence or autonomy struggle of peoples within already existing states. (ibid: 210) The UN was now called upon to address *intrastate* conflicts, a new undertaking altogether. This challenge implied a dramatic increase in the scope of peacekeeping activities, to be renamed *peacemaking* or *peace building*. From monitoring a borderline between conflicting states to rebuilding war-torn societies and states there is a long way. As became apparent; experience in the former task does not automatically prepare for the latter. (ibid: 211-12)

4.2.3 Categories of Peace Support Operations:

The term “Peace Support Operations” (PSO) refers to every type of UN-sanctioned intervention with at least a military element. (Whitman and Bartholomew 1995: 172). Two sub-categories may be named under this inclusive term: One is traditional peacekeeping, where mandates are limited to essentially military tasks such as borderline observation and cease fire monitoring. The other is wider peacekeeping. Such mandates may include rebuilding and strengthening of institutions, human rights monitoring, promotion of economic and social development, and military units may be called upon to act as a support apparatus to a civilian mission. (ibid: 172-3).

Further subdivisions may, according to Doyle (1999) include the following categories, sorted by degree of societal penetration and use of force:

Peacekeeping has traditionally consisted mainly of placing a force as a buffer in a border area between formerly warring parties, typically two states,

and the supervision of a cease-fire/truce. This has mostly been a military/civilian blend.

Peacebuilding targets the civilian society. Various reconciliation and reconstruction projects are central, such as facilitating communication and contact, helping with elections, rebuilding infrastructure, distribution of aid, and the like. These missions tend to be civilian, often with a significant contribution and participation from non-government organizations (NGO), sometimes with UN military support guarantees in case of a deteriorating security situation.

Peacemaking is a military/civilian initiative that tends to aim at both territorial control and societal reconstruction, where tasks are clearly assigned to either the military OR the civilian branch of the mission. This is the so-called “gray zone” type of intervention, or third generation peacekeeping, which is a fairly new concept. It is largely the result of the new willingness to intervene in conflicts that were until recently seen as domestic affairs. One key feature has been that military personnel has taken responsibility for civilian police duties in the absence of either a functioning local police force that enjoys popular legitimacy, or enough international police officers.

Peace enforcement is a purely military intervention mandated by a Ch. VII resolution. It aims at separating conflicting parties, restoring territorial control and frequently also forceful disarmament of belligerents.

International administration is when the international community acting under UN resolution(s) has assumed full responsibility for a territory as a transitional arrangement. The end state for such a dramatic intervention, where the local population and/or the host state is deprived of authority for its own society, has always been a final settlement which all conflicting parties commit to and which is in line with international law and human rights standards. International administration may range from mere supervision over a process ran by the parties, to direct governance – possibly with an element of consultation with the parties. The latter is the category under which KFOR/UNMIK falls. The Kosovo undertaking is only the fifth case of full international administration, the others being UNTAES in Eastern Slavonia,

UNTAC in Cambodia, the international effort in Bosnia, and UNTAET in East Timor. (Caplan 2002: 13-16)

The legal aspect is the same for all categories. Intervention is only legitimate following a UNSCR claiming threat to or breach of international peace. The appliance of Chapter VII to intrastate conflict in reality means that there has been a change in practice: Before, no internal affairs were branded threats to *international* security. The new direction means that the state sovereignty and non-intervention principles are being watered out, as Semb (2000) quoted above argues. The tradition of the UN to work on a case to case basis, inventing tools as it goes and as needed, also means that pretty much any state and any type of conflict can fall under this new definition of threats to international peace according almost to chance. There are no guidelines; it is up to the UNSC and the Secretary General to decide from occasion to occasion. This offers flexibility that is often needed, but also insecurity and possibilities for abuse.

On top of it all UN peace-building initiatives in the 1990's have been marred by some ugly failures, among which the massacre in Srebrenica in 1993 is an infamous one. Such spectacular failures have raised serious questions about the utility of this type of conflict resolution.

While the UNSC in the 1990ies has passed several resolutions over conflicts referring to Ch. VII, these have more often than not been followed up by less than lukewarm practical commitment. Member states have consistently offered inadequate and insufficient human, financial and material resources for UN operations, seriously undermining UN credibility. (Bierman and Vadset 1998: 20-21)

4.3 The Kosovo conflict and the legal status of international intervention there.

The Bosnia experience is seen by many as a reason why international actors resorted to armed intervention as early as they did when similar problems

surfaced in Kosovo. Kosovo is a province in the Federal Republic of Yugoslavia (FRY, or Yugoslavia) that enjoyed considerable autonomy until 1989, when president Slobodan Milosevic brought it under direct control of Belgrade. Its population consists of a majority of Kosovo Albanian Muslims and a minority of Serb orthodox Christians. The change of status of Kosovo led to a privileged position for Serbs on the expense of Albanians, in the eyes of the latter. Albanians charged an independence struggle, seeking to break free from Yugoslavia to form their own state. Violent conflict between (Albanian) independence fighters and (Serb) Yugoslav police and paramilitary forces erupted, widely involving attacks also on civilians. Repeated attempts by the international community fronted by NATO to help the parties reach a peaceful, mediated solution, failed. Meanwhile refugees were flooding out of Kosovo reporting human rights abuses conspicuously sounding like organized ethnic cleansing by Serbs against Kosovo Albanians. The UNSC issued increasingly sharp resolutions calling upon the parties to stop the atrocities. UNSCR 1199 of September 1998 demands a cease-fire, which NATO sent its envoy Richard Holbrooke to Belgrade to secure compliance with. He had no success. UNSCR 1203 of October 1998 then *affirms* that the ongoing situation constitutes a threat to peace and security in the region, *acts* under Chapter VII, and goes on to list a number of demands to be met by Yugoslavia. It does not actually call for armed intervention in the case of non-compliance. (www.kforonline.org; www.unmikonline.org: March 2002)

The 1999 NATO air raids against Yugoslavia over Kosovo is a problematic issue legally speaking: NATO *interpreted* the UNSCR 1203 as a green light for intervention. (www.kforonline.org: March 2002) However, the issue of military action was never brought up in the UNSC – it would not have passed the Russian vote and probably not the Chinese one. The UNSC never disowned the NATO actions either. That would not have passed the American and British votes. The air strikes were not sanctioned and not condemned. Thus the military activities that paved the way for Yugoslavia's surrender were not unequivocally supported by international law.

On June 9th 1999 the so-called Military Technical Agreement (MTA) was signed between the Kosovo International Security Force KFOR, and the governments of the Federal Republic of Yugoslavia and the Republic of Serbia. The Agreement outlines conditions for all Yugoslav forces' withdrawal from Kosovo and a mandate for KFOR operations in Kosovo. UNSCR 1244 was adopted unanimously on June 10th.² The same day NATO's North Atlantic Council authorized the deployment of KFOR troops, an operation named "Operation Joint Guardian". The actual deployment started on June 12th. (The Kosovo Report 2000: 101-102) The presence of KFOR and the United Nations Mission in Kosovo (UNMIK) in Kosovo enjoys a clear mandate in UNSCR 1244 of June 1999, based on Chapter VII. The legality of the international presence in Kosovo is thus formally not disputed, except by the Former Yugoslav Republic, which claims the restoration of its rightful sovereignty as a state. (Entire section based on The Kosovo Report, 2000)

4.4 The concept of security

In the world of international relations – politically as well as academically - there seems to be a general consensus on the centrality of security for people and states, although there are widely different views as to what security means precisely.

Peace support operations normally are called upon to "establish a secure and stable environment" as a primary task (Dziedzic 1998: 7). That is the most important argument for selecting security as the focus of analysis in the present dissertation. As shall be argued below, re-establishing and maintaining security was without much doubt the single most important concern of the international presence as well as the population of Kosovo in the wake of the conflict. (Lindeman 2002: 92) The question remains, however, which security concept to employ.

² A fuller description of UNSCR 1244 and its implications is provided in section 5.1. The complete resolution text can be found in Annex #1

In his critique of the security concept debate, Baldwin (1997), makes a case for customizing the security concept according to the actual topic of research. Quoting Buzan (1991), he points out that it makes little sense to speak about security without a reference object. The question “Security for whom?” must be answered, and the answer will always depend on what the research topic is. For each case it is true that the values that need to be secured differ, the degree of security sought varies, sources of threats to security are many, costs are inescapable and varying, and time matters. Based on this argumentation, a contextual security concept will be employed in this thesis. “Security” will be defined based on the actual situation in Kosovo.

At the time of international intervention (June 1999) the situation in Kosovo was one of practical anarchy, as no sovereign existed that was in charge of territorial security and law and order.³ “Security” will therefore henceforth refer to actions taken to protect the physical safety of human life and property. Physical security is arguably a necessary prerequisite for the establishment of other possible forms of security. In practice, such actions will mean dimensions of the securing of territory and restoration of law and order. This choice is further supported by the fact that the UN repeatedly has stated that re-establishment of physical security is a prerequisite for post-conflict peace building and economic development, and thus necessary for general mission success. (See for example UNDP/DPKO 2001: 2)

In a post-conflict territory characterized by anarchy, many other dimensions of security are relevant and worthy of analysis. For example, no separate discussion of judicial security is included, although this aspect would of course have been of interest for an analysis of security *per se*. It has been omitted because judicial security in Kosovo is the responsibility of the OSCE, not UNMIK or KFOR. It is regrettable but necessary to limit the topic of the present investigation, keeping in mind that this choice does leave out dimensions of interest for the problem complex.

³ See section 4.2 for a more comprehensive background on the Kosovo conflict to back this assertion.

4.5 The issue of international responsibility for security.

“The restoration of a secure environment” is normally an important part of a peace support operation’s mandate, meaning at a minimum the cessation of violence. When intervention is carried out within a state rather than between states, that refers to internal security as well as external/border security. (Dziedzic 1998: 7) Security within a state consists of police and judicial structures. Law enforcement is, by definition, the prerogative of the state. In the aftermath of an internal conflict, however, it will overwhelmingly be the case that police and judicial structures have broken down. Another common scenario is that these structures were biased and extensively lacked legitimacy in the public prior to and during the conflict. It is also often the case that security forces actively have taken part in the conflict. Finally, all of these concerns can, and frequently do, apply at the same time. As the UN increasingly has come to deal with internal conflict, the need to address law enforcement issues has become apparent. The restoration of a secure environment is simply not possible as long as law enforcement in the civilian domain is not happening, especially considering that post-conflict territories frequently are plagued by continued inter-group violence, proliferation of arms, organized crime, and similar serious challenges to public safety and order. (Hansen 2002: 31) The principle of state sovereignty has historically caused great reluctance in the international community to take on responsibility for tasks that so unambiguously lie within state privileges. Developments on the ground in several operations during the 1990ies, for example in Haiti and Cambodia, pushed UN personnel into law enforcement without a clear mandate and legal basis for this. (ibid: 26-27) When the Kosovo operation was launched, executive policing was explicitly included in the mandate (UNSCR 1244) for the first time in the history of UN peacekeeping. Serb security forces had previously been in charge of internal security in Kosovo. Since they were withdrawn under the Military Technical Agreement between NATO and the Former Republic of Yugoslavia in June 1999, no local law enforcer existed. In addition, those security forces had been branded war criminals by the

international community, which ruled out any collaboration with them even under monitoring. (ibid: 30)

Assuming full responsibility for internal and external security in a post-conflict area requires the deployment of personnel with adequate competence. Law enforcement calls for policing capabilities, just as border defense calls for military capabilities. Soldiers and police officers have different training and experience and cannot substitute each other in the field. On the contrary, they need each other's support to solve their own tasks. The UN regularly deploys elements of civilian police to peace operations, so-called CivPol elements. It has repeatedly proved to be a problem, however, that deployment of civilian police takes much longer time than military deployment. While most countries have mobile military units ready for deployment anywhere on very short notice, national police services do not have surplus personnel that can be deployed for international operations. Officers must be asked and recruited, and countries must be certain that personnel can be spared without their own public security being compromised. The time lag between the arrival of military personnel and that of police personnel in the theatre is commonly referred to as the **deployment gap**. The main problem with this gap is that for its duration, there is no institution that naturally and legitimately can take responsibility for internal security in the post-conflict area. As a consequence, soldiers have been forced to perform public security and order tasks in several operations. (Dziedzic1998: 4-7).

Once both the military and the CivPol elements of an operation are in place, it is expected that security task allocation follows the pattern of most states: The military is to be in charge of external security, and the police of internal security. However, operations are often faced with security challenges that fall between the categories of external aggression and regular crime. Post-conflict societies can be extremely volatile, weapons widely available, and thresholds for resorting to violence low. Problems like serious organized crime and violent public riots have been prevalent in most loci for international intervention the last 10 years. Challenges of this in-between category are

commonly referred to as the **enforcement gap**. The gap typically poses the question of legitimate use of force. While soldiers certainly have the firepower to meet such challenges, they are trained to meet other soldiers like enemies, not civilians, who in peacekeeping actually are the soldiers' protégées. CivPol units commonly lack manpower, equipment and the mandate to meet serious civil disturbances. As a result, no unit is charged with solving such security problems. This hampers the maintenance of basic law and order. Another problem arises if public disturbances take the form of organized, violent resistance to the peace agreement. Such resistance is by definition seen as a threat to the security and requires intervention. However, forceful quelling of opposition can very easily be perceived by the locals as bias, compromising UN ideals of impartiality. (Dziedzic 1998: 9-12)

In Kosovo the international community acknowledged the need to assume full responsibility for law enforcement. The problems of the deployment and enforcement gaps were recognized when the mandate was issued. Division of labor was arranged accordingly. As will be more closely accounted for below, the civilian and military elements of the operation are bound by mandate to cooperate and coordinate activities to the establishment of a secure environment. The mandate does not provide meticulous guidelines as to how cooperation is to be conducted and how results are to be evaluated. These facts form the basis for the questions posed and attempted answered by the present thesis.

4.6 Chapter summary

Peace Support Operations under UN auspices have come into being as a response to international conflict, which could not be addressed with reference to the UN Charter during the Cold War. After the Cold War the UN has increasingly been called upon to deal with intrastate conflicts, as these have been perceived to constitute a threat to international peace. A peace operation is generally defined according to the degree of use of force and societal penetration in the conflict area. The armed intervention in Kosovo in 1999 was

not unequivocally mandated in international law, but the international administration of Kosovo that followed enjoys a clear mandate formulated in United Nations Security Council Resolution 1244 (June 1999).

The security definition employed in this dissertation is narrow and strictly concentrated on physical security for human life and property, in line with how KFOR and UNMIK view security tasks. In post-conflict environments international agencies have increasingly been forced to assume law and order responsibilities. Military units have become involved in this fundamentally civilian arena because international police have been slow to deploy and because the crime scenes have been severe.

5 IMPLEMENTING KFOR-UNMIK SECURITY COOPERATION.

This chapter aims to describe and analyze the security cooperation of KFOR and UNMIK with regards to the three research questions posed initially.

Section 5.1 is a presentation of the mandate, UNSCR 1244, which is the legitimization of the international presence in Kosovo and a continuous point of reference throughout the thesis.⁴

Section 5.2 is a presentation of the *institutional* features of security cooperation in Kosovo. The KFOR organization will be described in terms of its territorial distribution into 5 Multi National Brigades (MNBs)⁵, and special units that exist independent of the brigade structure. To the extent that brigade goals can be identified (primarily mission statements) this will be mentioned. A summary of main features of KFOR's security structure with regards to the problem formulations of the thesis and significance for the analysis follows. The UNMIK organization will then be described, but not in its entirety. UNMIK has responsibilities in several areas other than security, and the subject here is its security institutions. The leadership structure is common to the entire UNMIK. The security institutions by and large sort under the so-called Pillar I (out of four), the Police and Justice sector. The UN Police is the dominant security institution here, and will be described with regards to its geographical distribution and special units. To the extent that goals can be identified, this will be mentioned. National contributions to UNMIK are not an issue. States contribute a pool of funds and personnel to the UN, which in turn uses the resources to put together the UNMIK organization. A summary of UNMIK characteristics with regards the problem formulations of the thesis and significance for the analysis follows.

Section 5.2 finishes up with a description and appreciation of institutional security cooperation between KFOR and UNMIK. The main aim of the section is to show organizational characteristics, the approach of KFOR

⁴ The Resolution text is in its entirety included in Annex #1

⁵ Correct as of the time of writing, April 2002. By April 2003 KFOR had restructured into 4 MNBs.

and UNMIK respectively to security work, as well as the areas where they overlap. Division and coordination of labor and tasks is one significant aspect here, likewise any difference in outlook and visions of the ultimate goal for the mission as a whole.

Section 5.3 focuses on *operational* features of security cooperation, the actual KFOR-UNMIK cooperation in the field. The section is sub-divided along functional lines. External, internal and the so-called “gray zone” security categories are reviewed separately for the sake of textual order. The section finishes up with a summary description and appreciation of operational cooperation.

Section 5.4 is a discussion of special elements of significance for the civil-military security cooperation in Kosovo. The subjects here are civil-military collaboration in law enforcement, intelligence, and multi-nationality and national agendas.

A chapter summary (5.5) finally recapitulates the most important findings and relates them to the initial research questions.

A conscious choice has been made to conduct the analysis in a weave with the empirical presentation. The fact that this is an ongoing case facilitated, indeed necessitated, that decision. Separate case and discussion chapters would produce an artificial separation of facts, and would not offer the desired advantage of textual order and clarity. The section summaries are intended to provide the analytical guideline throughout the chapter. Throughout, references will also be made to topics presented and discussed in chapter 3 on theoretical background in order to keep track of the main argumentation.

The review is based on documentation covering the period from June 1999 to October 2002. Kosovo is an environment in rapid development, so it is vital to emphasize that information given in this paper is correct *at the time of writing*, but may have changed at the time of reading. The enormous scope of the Kosovo operation has forced the candidate to make a selection of institutions, structures and security tasks/issue areas to base the dissertation upon. The choices reflect the most prominent factors in the subject complex as

they appear in the diverse documentation material employed, while any selection necessarily means a regrettable loss of detail. Any conclusions must be considered with these limits in mind.

5.1 The mandate of KFOR and UNMIK. UNSCR 1244.

The tasks and powers of KFOR and UNMIK are stipulated in the mandate, provided by UNSCR 1244. The UN Secretary-General is charged with establishing an international interim administration for Kosovo *“[...] under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, and which will provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo [.....] pending a political solution”*.

This resolution firmly places the international presence in Kosovo within the new tradition of extended peacekeeping. It can be convincingly argued that Kosovo is in reality placed under transitional administration, with international management of every aspect of the daily running of the territory (Caplan 2002). The final political status of Kosovo is importantly and explicitly left out of UNSCR 1244. No official discussions have been initiated regarding this issue⁶. Meanwhile, Kosovo remains a province of the Federal Republic of Yugoslavia.

It can be convincingly argued that “success” in the present context means “mandate fulfillment”. It does not mean “conflict resolution”, because the underlying cause of the violent conflict – independence struggle and suppression – is not being addressed. Despite the practical shortcomings and analytical problems of seeing mandate fulfillment as success discussed in chapter 3, the Kosovo case leaves few alternatives. No end state is prescribed or even envisaged, and both KFOR and UNMIK quote the mandate directly when they describe mission goals, as will become apparent.

⁶ September 2002

Mission success must be understood as the achievement of the (ambitious) goal “...to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo [.....] pending a political solution”. To get there, several steps must be taken and completed. Restoration of security is widely understood to be crucial in this context, maybe the single one most important step. *Operational success criteria* can be expected to exist on all levels of an organization, and it is the intention to map central operational success criteria for the different efforts in the security sector throughout the present chapter. Success criteria are not necessarily uniform across an organization or between an organization and its environment. The legitimacy of this assertion was broadly argued in chapter 3. On that basis, differences can be expected in goal formulations, mission statements and other expressions of aims across the institutions to be examined. These will be interpreted as success criteria.

Cooperation between UNMIK and KFOR is a precondition for mission success as well as an obligation for both parties. This was asserted in the report of the UN Secretary General to the Security Council immediately pursuant to the UNSCR 1244: “*It is imperative that UNMIK and the international security presence coordinate their activities closely to ensure that both the military and the civilian presences operate in a mutually supportive manner towards the same goals, as required by paragraphs 6 and 9 (f) of resolution 1244 (1999)*”. (S/1999/672, II 7)

The resolution makes a distinction between the “security presence” and the “civilian presence” when it comes to assignment of tasks. As it were, the “security presence” has come to mean KFOR and the “civilian presence” UNMIK. Both organizations interpret the UNSCR 1244 as their mandate. The mandate delegates to the “security presence” the following security related tasks:

- Deter renewed hostilities and if need be enforce a cease-fire;
- Demilitarize the Kosovo Liberation Army KLA and other armed Kosovo Albanian groups;
- Monitor borders;

- Ensure the safe return of refugees and displaced persons;
- Conduct de-mining until civilian units are ready to take over this duty;
- Maintain public order until civilian units are ready to take over this duty;
- Ensure the freedom of movement for itself and other international actors.

Out of the central tasks delegated to the “civilian presence”, the following three are directly related to security:

- Maintain civilian law and order.
- Protect and promote human rights;
- Assure the safe and unimpeded return of refugees and displaced persons.

There is an overlap of duties in the arenas of law enforcement and return of refugees. Law enforcement is referred to as “maintaining public order” for the security presence, and as “maintaining civilian law and order” for the civilian presence. The security presence is supposed to cease its public order function as soon as the appropriate civilian capabilities are in place. As will become clear, it is in the law enforcement area that most of the KFOR/UNMIK security cooperation is taking place.⁷

5.2 Institutions: KFOR

The KFOR administration of Kosovo is divided into 5 regions, with one brigade to each region.⁸ Each brigade has its own headquarters, one NATO member lead nation that supplies the brigade commander, and its own chain of command. More than 30 states participate in the international military presence in Kosovo⁹. 22 of the KFOR nations contribute a total of just 5% of the manpower. 80% of the force is European, and overwhelmingly NATO nationalities. (Wilson 2002: 40; Lutz 2002: 56) The five nations that each leads a brigade dominate KFOR in sheer volume, both in terms of number of personnel and other resources. They are Great Britain, Italy, France, Germany, and the United States of America, and together they form the so-

⁷ See section 4.3 for a discussion of police versus military law enforcement capabilities in the context of peace operations.

⁸ A Kosovo map is provided in annex # 2

⁹ April 2002

called Quint Group. Their voices in decision-making carry more weight than those of smaller contributors. Different nations contribute troops, equipment and logistics to different regions. Most of them do duty in only one region. Every nation contributes according to their resources, so each state does not always perform every task in the mandate. Every regional command operates along a so-called “mission statement”, the overriding goal for the brigade’s daily work. All brigades quote the following items in their mission statements: *To establish and maintain a secure environment, to assist UNMIK’s mission in order to promote peace and stability in Kosovo, and to implement the Military Technical Agreement*¹⁰. In addition, each brigade has different region-specific challenges. (<http://www.nato.int/kfor> : April 2002)

Central command is performed by NATO, and the main KFOR headquarters (HQ) in Pristina has the overall responsibility for the operation. The command, under the abbreviation COMKFOR, changes roughly every 6 months and rotates between commanders from different NATO states. COMKFOR reports to the NATO Southern Europe headquarters in Naples, Italy (CINCSOUTH), which in turn is subordinate to the Supreme Allied Commander in Europe (SACEUR) in Shape, Belgium. KFOR HQ employs some 600 personnel from the following nations: Argentina, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Romania, Slovenia, Spain, Sweden, Turkey, Ukraine, United Kingdom, and the United States¹¹.

More details on KFOR are provided in Annex #3.

5.2.1 Multi National Brigade Centre:

Multinational Brigade Centre (MNB(C)) is deployed in the central and northeastern region of Kosovo. The area has a population of approximately

¹⁰ The MTA is accounted for in section 4.3

¹¹ April 2002

700,000. In the northeast there is a boundary with Serbia¹² and the Brigade has responsibility for 3 boundary-crossing points. Multinational Brigade Centre has its headquarters in Pristina. It is led by the United Kingdom. Other nations in MNB(C) are the Czech Republic, Finland, Latvia, Norway, Russia, Slovakia, and Sweden. The MNB (C) makes no separate mission statement except the common goals mentioned above. The MNB (C) runs a Multinational Police Company (MNP) , but it has not been possible to identify practical contributions by this specific unit in actual operations. (<http://www.nato.int/kfor>: April 2002)

5.2.2 Multi National Brigade North:

MNB (N) is deployed in the northern region of Kosovo and has its headquarters in Mitrovica¹³. In addition to the items all brigades have in their mission statements, MNB (N) includes provision of humanitarian assistance in support of UNHCR efforts; basic law and order enforcement and gradual transfer of this function to the designated civilian agency; establishment and support to the resumption of core civil functions. The MNB (N) CIMIC section also supplies medical services and transports food and goods to isolated villages¹⁴. This region is the most ethnically divided in Kosovo, and also the center of economic activity. The total population is about 260.000, with approximately 200.000 Albanians and 60.000 Serbs (1400 persons from other ethnic groups). The MNB (N) is led by France. Other participating nations are Belgium, Denmark, Luxembourg, Morocco, Russia, and the United Arab Emirates. (KFOR homepages, <http://www.nato.int/kfor>: April 2002)

5.2.3 Multi National Brigade East:

The MNB(E) comprises around 5300 personnel and has its headquarters in Urosveac. Its mission statement is uniquely detailed. In addition to the

¹² Formally, Kosovo and Serbia are both provinces in the Federal Republic of Yugoslavia, so there is no international border between them.

¹³ A separate discussion of the situation in Mitrovica is provided in section 5.4.2

¹⁴ "Civilian-Military" in this context refers to the military establishment's liaison personnel towards the civilian society, as explained in section 2.1

common items, it includes to conduct peace support operations in its AOR; to transfer responsibility to appropriate civil organizations and eventually to local civilian leadership - enabling KFOR forces to withdraw. MNB (E) states KFOR's departure as a goal in itself. Main tasks to meet the mission statement goals are the following: ensuring the provisions of the MTA are fulfilled; providing humanitarian assistance by helping the UNHCR; public law and order enforcement in a transition period; and establishing and supporting central civil functions. MNB(E) is led by the United States. Other participating nations are Greece, Lithuania, Poland, Russia, and Ukraine. (KFOR homepages, <http://www.nato.int/kfor>: April 2002)

5.2.4 Multi National Brigade West:

The MNB (W) is located in Pec. It is led by Italy, and otherwise composed of contributions from Argentina, Portugal, and Spain. The MNB(W) merely subscribes to the general KFOR Mission Statement. Their main tasks are peace agreement implementation, border control, maintaining public law and order, ensuring the freedom of movement for KFOR and civilian, assistance to reconstruction and humanitarian assistance. (KFOR homepages, <http://www.nato.int/kfor>: April 2002)

5.2.5 Multi National Brigade South:

The MNB(S) has its headquarters in Prizren. It is led by Germany and counts 7109 personnel. Its Mission Statement includes force protection¹⁵; securing the borders with Albania and Macedonia; demilitarization of civilians, assisting UNMIK in the fight against crime through its Military Police unit; and assisting GOs and NGOs in reconstruction projects through its CIMIC unit¹⁶. Other participating nations are Austria, Azerbaijan, Bulgaria, Georgia, Russia,

¹⁵ That is, protection of their own forces.

¹⁶ "Civilian-Military" in this context refers to the military establishment's liaison personnel towards the civilian society, as explained in section 2.1

Slovakia, Switzerland, and Turkey. (KFOR homepages, <http://www.nato.int/kfor>: April 2002)

5.2.6 Specialized Units:

Employed in the entire KFOR AOR is a special police corps called the **Multinational Specialized Unit**, which is stationed in Pristina and consists of 330 police officers with military capabilities from Italy, France and Estonia, dominated by Italian officers. They are drawn from these countries' own establishments of police with military status (Carabinieri, Gendarmerie, and the Estonian Army). They have special responsibilities for organized crime, terrorism, and riot control, in addition to intelligence (in general and on organized crime in particular), patrolling, and regular police/public law and order assignments. The MSU possesses specialized investigative tools and resources fit for their special tasks. They are deployed unevenly in Kosovo according to each territory's security- and public order needs. See section 5.5.1 for a more detailed discussion of the role of police with military status in the international operation in Kosovo.

The Greek Force Support Unit counts 1514 personnel stationed in Kosovo Polje. It has no AOR and offers support services to KFOR units. In addition it is widely used for civil security purposes such as escorts for convoys and on public trains and buses in Kosovo, regular patrolling and law and order tasks, traffic supervision etc. No reference has been found to this unit in operations accounts. (KFOR homepages, <http://www.nato.int/kfor>: April 2002)

5.2.7 Central KFOR features

Two KFOR characteristics stand out as particularly relevant for the three research questions sought answered by this dissertation: One is the multitude of layers in the KFOR organization, and the other is the vague nature of success criteria (understood as Mission Statements) within KFOR.

First, the distribution of KFOR in 5 more or less self-sustained regions plus special units with no region-specific location, suggests that KFOR in fact consists of multiple organizations. In a military context that also means multiple command structures. There is the Central Command in KFOR HQ subordinate to NATO's command structure, then there is the central command for each regional brigade. Each national contingent also has their own internal command structure where the top commander receives instructions from the capital. Special units have their separate command structures in addition to the national structures. The multiple layers of KFOR pose a number of practical impediments to concerted efforts, thus to coordination both inside KFOR and between KFOR and UNMIK. As demonstrated by Otterlei (2002: 66-72), most of these hindrances have to do with nationality. Troops are the property of their state, selected and equipped by their governments. That in reality means that when push comes to shove they are under national command; COMKFOR cannot dispose of KFOR troops according to his judgment of the situation, despite being supreme commander of the operation. National restrictions vary, so coordinated moves must be negotiated. It has also proved extremely difficult to overcome the region-bound for operational purposes; most nations understand any territory outside their region as out-of-AOR, making it virtually impossible to move units between regions at the discretion of COMKFOR. Also, equipment is national property and is not always inter-compatible, which further complicates concerted action. As this chapter proceeds, it will become clear that multi-nationality is an issue for many aspects of the international operation. A separate discussion of the multi-nationality factor is conducted in section 5.5.3.

As mentioned in section 3.4.1, military organizations tend to share similar and uniquely military values and standards, while civilian organizations usually are much more culture-bound by the values and standards of the society they originate from. In the present context this suggests that the multiplicity of the KFOR organization does not necessarily hamper efficiency as interpretations of the mandate/Mission Statements/success criteria could

be largely the same across the different layers of KFOR. The available information does not provide sufficient evidence to say whether this is indeed the case. What is clear, is that there are practical problems in connection with KFOR multinationality and structure.

Second, the Mission Statements, which here will be understood as goals for the brigades and units and thus success criteria¹⁷, on one side is quoted to be the UNSCR 1244. More specifically, KFOR sees its obligation in that context to be the *maintaining of a safe and secure environment* in which UNMIK can deliver the rest of the mandate. Open sources do not reveal any definition of such a situation, so the actual contents of this goal is not clear. Secondary, the brigades have tasks to accomplish, which are challenges specific to their regions. The degree of explicitness varies, as is clear from the above account. For analytical purposes it is very difficult to relate to success criteria this vague. However, the examination above suggests the simultaneous existence of a “super-goal” of a more symbolic and unspecified nature (a safe and secure environment), and explicit sub-goals in the formulation of tasks. This corresponds with the views of Jacobsen and Thorsvik (section 3.3.1) on definition of goals in organizations. It also reconfirms the assertions made regarding mandate fulfillment as a prime success criterion made in sections 3.2.1 and 5.1. Furthermore, the mission statements do indicate a common perception of KFOR’s ultimate goal(s) across the organization(s). It is, however, not possible to discern whether a common understanding of the contents of the goal/s exists across KFOR.

Finally, it is absolutely vital to point out that an ultimate goal for KFOR is *withdrawal*. This was unambiguously stated by British Major General Wilson, who was Chief of Staff in KFOR 5, in a Symposium held in Oslo in January 2002. (Wilson 2002, quoted in FFI Report 2002/01551) and is also stated on the MNB (E) homepage on the KFOR website. This is by the military establishment taken to be a logical consequence of the mission of establishing a safe and secure environment. It is not an explicit provision in the UNSCR

¹⁷ Refer discussion of generation of success criteria in section 3.3

1244. The implications of this exit orientation will be further discussed in section 5.3.5, as KFOR deems that a safe and secure environment and subsequent withdrawal in theory can happen before the entire UNSCR 1244 has been realized.

5.3 Institutions: UNMIK

The UNMIK works within four main task areas, referred to as “the Pillars”:

Pillar I is police and justice. Pillar II is civil administration. Both of these are entirely the UN’s responsibility. Pillar III is institution building, meaning political institutions, delegated to the OSCE. Pillar IV is economic reconstruction, delegated to the EU.¹⁸ This structure was established in May 2001 (S/2001/565, III E).

The dominant task of UNMIK presently¹⁹ has to do with security, first and foremost police and justice.²⁰ The following description of UNMIK will deal with Pillar I, law and order. The introduction to UNMIK starts with a very brief summary of the leadership structure, as this has some significance for the institutionalized relations between KFOR and UNMIK. Then comes a description of the UNMIK Police organization, which for all practical means constitutes Pillar I. It is divided into regions and functional units. The section ends with a summary of main points regarding UNMIK institutions.

A central project in UNSCR 1244 is the establishment of domestic capacities in civil administration including law enforcement. The two institutions Kosovo Police Service (KPS) and Kosovo Protection Corps (KPC) are nascent domestic security structures in that project. They have no independent security responsibilities yet and are not integral parts of either KFOR or UNMIK. Therefore they will not be separately discussed in this

¹⁸ The EU and the OSCE are in charge mainly of economic reconstruction and development, and institution building respectively. In addition there is a plethora of other actors: NGOs, state agencies etc. working within smaller fields of competence. These will not feature in this dissertation.

¹⁹ Mid-2002

²⁰ This interlocks with Pillar III/OSCE efforts in building domestic capacities in independent, unbiased police and justice apparatuses. As argued in section 4.4, there is regrettably no room for a separate discussion of this subject.

dissertation²¹. The same is true for the many local consultation bodies that exist. Return of refugees is a job that has been taken over by the International Organization of Migration (IOM). Therefore, this question will not be separately dealt with. The task of de-mining is also delegated to a separate agency and is therefore omitted from further discussion.

More UNMIK details are provided in Annex #4.

5.3.1 UNMIK leadership:

UNSCR 1244 vests all legislative and executive powers over the people and territory of Kosovo in UNMIK. All powers in Kosovo are formally in the hands of the SRSG. Notably, UNMIK has no direct authority over KFOR. UNMIK must respect the law of the Federal Republic of Yugoslavia insofar as it does not run contrary to the UNSCR 1244, internationally recognized human rights standards, regulations issued by the Special Representative of the Secretary General (SRSG), or the general mandate of the UNMIK. (S/1999/779, IV 36)

The SRSG is appointed by the United Nations Secretary General (UNSG) and answers directly to him/ her, who in turn keeps the Security Council (UNSC) updated on the situation in Kosovo. The SRSG is assisted by a Principal Deputy Special Representative of the Secretary General (PDSRSG) (S/2000/177, II D; <http://www.unmikonline.org/departments.htm>: June 2002) Each Pillar is headed by a Deputy Special Representative of the Secretary General (DSRSG) who answers directly to the SRSG. The SRSG, the PDSRSG and the DSRSGs together form the Executive Committee that meets on a daily basis and functions as a valuable coordination mechanism. (S/1999/1250 II D) Administrative Departments run the different public services according to their respective competencies. The ADs are headed by one UNMIK representative and one local, positions being allocated to reflect the ethnic composition of Kosovo. (UNMIK DPI 2000: 4)

²¹ Except by way of mentioning their participation in specific operations, if relevant.

Major changes are continuously taking place in the administration of Kosovo and the organization of UNMIK in the wake of successful Kosovo-wide elections in November 2001.

5.3.2 Pillar I: Police and Justice. UNMIK Police

The UNMIK Police and Justice Pillar (I) is led by a Deputy Special Representative. This area is a reserved function of the UNMIK after the Kosovo Assembly elections of November 2001, which led to a significant transfer of responsibilities to institutions of self-government.

The UNMIK Police is without a doubt the biggest enterprise within Pillar I. The Police is led by a Police Commissioner. In his office there are Special Advisors for Politics, Human Rights, and Special Police Units/Border Police, as well as assistants and a Press Office. Under his direct command are the Operations, Administration, and Planning & Development departments, each led by a Deputy Commissioner.

Operations handle the actual policing and is the only one to be reviewed here. On the central level it has 4 planning offices in the capacities of Policy & Planning, Special Operations, Investigations, and Operations MHQ. It's divided into 5 regions, the same ones as KFOR: Pristina, Gnjilane, Prizren, Pec, and Mitrovica, with a total of 34 police stations. In addition there is a Special Police Unit (not identical with the KFOR MSU) and a Border Police Unit. Currently 48 nations contribute personnel to UNMIK Police, totaling 4582 officers.²²

(S/2002/436 Annex V)

Pristina is the capital of Kosovo and UNMIK Police here has functioned as the model for the other regional police centers. It also functions as the control center for all police stations throughout Kosovo. The main challenges of HQ Pristina are organized crime, ethnic intimidation including house evictions and occupations, and overcrowding due to the huge influx of people from the rural districts after the conflict of '98-'99. (UNMIK Police Annual Report 2000: 14) **Mitrovica** is the most troubled region of Kosovo. Problems include

²² Figures correct as of April 22nd, 2002.

clashes, riots, ordinary crimes, and attacks on UNMIK, KFOR and the local Kosovo Police Service (KPS) personnel. Due to the security situation, UNMIK Police has not yet taken over policing primacy here²³. Investigations are entirely UNMIK's responsibility, while overall security remains KFOR responsibility.²⁴ (UNMIK Police Annual Report 2000: 15-16; S/2002/436 III B). **Pec** borders with Albania and was a hotspot during the war. Pec was a center for UCK in the days of conflict and remains a region of stronger-than-usual political activism. Demonstrations and politically motivated crime occur with regularity and pose region-specific problems in the general security situation. The main security challenge now, is smuggling of goods from Albania and Montenegro. (UNMIK Police Annual Report 2000: 16-17) The presently biggest security/criminality problem in **Prizren** is illegal prostitution and trafficking of women. Special investigation units targeting this problem were formed and have been effective. (ibid: 17-18) **Gnjilane**, borders on the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia (FYROM). Minority protection has been a central task for UNMIK Police in this region, and kidnapping for ransom has also been a region-specific problem. (ibid: 19-20)

Specialized investigative units:

The **Central Criminal Investigation Unit** (CCIU) was established already in June 1999 and is a homicide investigation unit. In addition to homicides committed inside Kosovo, it investigates homicides (and other serious crimes) committed prior to the deployment of UNMIK, war crimes committed in 1998 and 1999, and any case assigned to it by the Police Commissioner. (UNMIK Police Annual Report 2000: 21-22) **Missing Persons Unit (MPU)** was formed in November 1999 and investigates all missing person cases in Kosovo that started prior to, during or after the conflict. It has offices in Pristina and the Serb village of Gračanica. (ibid: 22) **Trafficking and Prostitution**

²³ Autumn 2002

²⁴ See section 5.4.2 for a comprehensive account of Mitrovica

Investigation Unit (TPIU) was formed in the autumn of 2000 to meet a major and growing problem of trafficking in women mainly from different Eastern European countries to Kosovo. (UNMIK Police Annual Report 2000: 23) **The Forensic Unit** secures and analyzes physical proof in the following sections: Crime Scene Section, Crime Laboratory, Document Examination Section, Fingerprint Section, and Ballistic Section. 19 (ibid: 24) **Internal Investigations Unit** (IIU) investigates complaints against UNMIK police officers. It sorts under the administrative department, not Operations. (ibid: 25)

Special Operational Units:

The **Special Police Units** (SPU) is a police force that consists of 6 national contingents of self-sufficient police officers with military status and capabilities. The role of a separate public order agency is affirmed in report S/1999/779 (VI 2 62), and specifically includes area security and support and protection for UNMIK Police. They are capable of rapid deployment to high-risk situations. In Kosovo they deal with, *inter alia*, public disorder/riot control and protection of UNMIK Police and Border Police and facilities. The SPU's are formally subordinated to the UNMIK Police Commissioner and bound by UNMIK Police rules and codes of conduct, while daily command is executed within the national units. (UNMIK Police Annual Report 2000) The **Border Police** are in charge of law enforcement and ensuring compliance with immigration laws at 5 border crossing points towards Albania, the Former Yugoslav republic of Macedonia and Montenegro, and Pristina airport.²⁵ KFOR patrols the borderline between checkpoints. (ibid: 12-13) **Protection Units** were established in recognition of a need for special protection, "body guarding" services of VIP persons as well as persons in exposed positions. (ibid: 27)

5.3.3 Central UNMIK features.

When it comes to UNMIK organizational features of special relevance for the research questions, the following items stand out. One is an organizational structure which is different from that of KFOR. The other is an apparent lack of goals and sub-goals/success criteria which are more explicit than the general aim of mandate fulfillment.

First, UNMIK is a unified, civil organization under the leadership of the Special Representative of the UN Secretary General. The hierarchy of UNMIK Police is unambiguous. Personnel in UNMIK are recruited as employees to an organization, they do not come in bulk as national contingents. Therefore, there are formally no conflicting command structures. The exception is the SPUs, which come as national contingents.

Second, the development of UNMIK in general and UNMIK Police in particular speaks of an organization that responds to its environment and the challenges and needs it presents. UNMIK has shifted focus of efforts as developments on the ground produced new problems and alleviated others. The division of the police into issue-specific units as well as into regional units seems to respond to developments on the ground. These features fit quite well with Hall's "goal model" (section 3.3.2), which emphasizes the dynamic interaction between an organization and its environment when it comes to definition of operational goals.

It is worth mentioning that no formal organizational chart exists for UNMIK as a whole. The reason for this is supposedly that the drawing of such a chart would have to suggest that some positions are superior to others in terms of rank and authority. Such an illustration could cause huge problems with sponsor states, as nations tend to apply considerable weight to getting their own people in high-ranking positions in UN organizations and operations. (Vachter: August 2002). This is a piece of non-information which speaks volumes about the importance of nationality also in UNMIK.

²⁵ As Kosovo is formally a legitimate part of the Federal Republic of Yugoslavia, the line separating the provinces of Kosovo and Serbia today is an administrative boundary.

UNMIK as an agent naturally presents the deliverance of UNSCR 1244 as its mission. UNMIK Police further employs as a mission statement different law and order tasks which are listed as UNMIK responsibilities in the UNSCR 1244. Regional police districts work for the general securing of civil law and order, while the division into issue-specific police units may function as mission statements in their own right. The fact that a UNSCR is normally quite diffuse in its formulations has already been discussed. The consequences when a resolution is used as goal formulation accordingly seem to be fairly floating ideas about what needs to be done. The first UNMIK DRSG Bernard Kouchner once famously said that he read the UNSCR 1244 twice every morning, but was never able to figure out what exactly UNMIK was supposed to be doing. The lack of a defined end state further reduces the value of UNSCR 1244 as a separate “success criteria”. Jacobsen and Thorsvik (section 3.3.1) singled out diffuse or non-existing timeframes as a particularly common problem for organizational efficiency in terms of goal orientation and attainment.

5.3.4 Success criteria of KFOR and UNMIK

The first research question posed initially was “What are the success criteria KFOR and UNMIK respectively apply?” The presentation of the institutions above have provided some answers.

The fact that both organizations state deliverance of UNSCR 1244 – mandate fulfillment – as their ultimate goal/success criterion, is dominant. The inherent weakness in understanding mandate fulfillment as a success criterion was discussed in chapter 3, and has been illustrated in the first part of chapter 5. UNSCR 1244 is formulated in very general terms and does not even contain a vision of an end state for Kosovo. KFOR and UNMIK are deployed to create an undefined situation.

KFOR has focussed on “establishing a safe and secure environment” as its most important success criterion within the framework of UNSCR 1244. It is implicitly and explicitly implied that when KFOR maintains security, UNMIK can concentrate on all the other elements in the mandate.

UNMIK has not singled out a more precise success criterion for itself within the mandate. It has delegated many of the tasks in UNSCR 1244 to other international GOs and NGOs, and even some to local bodies. In practice UNMIK is operational primarily in policing/public order, and has the final authority in matters pertaining to the local political and legal development.

Down the ranks in each organization success criteria or sub-goals can above all be identified as designated units for specific tasks or issue areas, such as the specialized investigative units in the UNMIK Police or the KFOR Multinational Special Units. These organizational features can probably best be understood as perceived necessary steps to reach mandate fulfillment.

Frustratingly, a close examination of KFOR and UNMIK did not reveal unambiguous, explicit lists of success criteria held in each organization. The mandate text, the “safe and secure environment”, and tasks of special priority are the general elements quoted throughout which seem to be the closest one can get based on the available source material employed here.

5.3.5 Institutional cooperation

At the command level coordination has been institutionalized almost from the start. In addition to frequent and regular meetings between COMKFOR and SRSG, there is direct, top-level coordination on security and police issues. KFOR participates in the Security panels of Pillar I, and one of the deputy commanders in the KFOR Command Group is charged with Civil Affairs. (Lindemann 2002: 96) The following figure (taken from Otterlei 2002: 69) shows established relations between KFOR and UNMIK, NATO and UN, and the contributing nations:

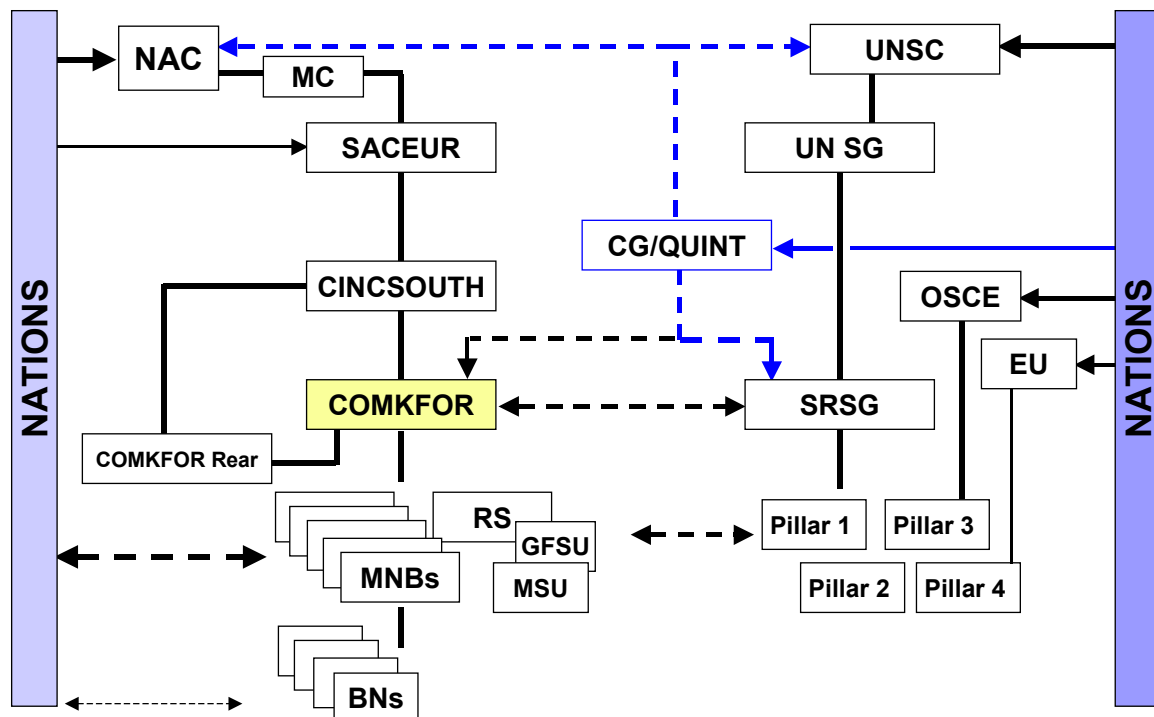


Figure: Command relationships within which COMKFOR and SRSG operate

By the first quarter of 2000 the liaison institution functioned satisfactory. Monitoring and analysis of the security situation based on information brought into the UNMIK Situation Center from military liaison officers throughout Kosovo, including KFOR headquarters, was well established. (S/2000/177, II D 36) Close liaison has been ensured through frequent meetings between SRSG and COMKFOR. UNMIK has dispatched military liaison officers to KFOR HQ and Brigade commands and KFOR has sent command level staff to UNMIK. The purpose is to facilitate planning, coordination and information sharing. (Wentz 2002: 319) In an interview in August 2001, one UNMIK senior official highlighted several aspects of the KFOR/UNMIK cooperation. On the positive side, he emphasized that with 2-3 weekly meetings on HQ level, the institutionalized cooperation was much better than in many previous PSOs, for example UNPROFOR (Bosnia) and UNTAC (Cambodia). However, much of the beneficial climate between the organizations was attributed to the fact that the COMKFOR and the SRSG in office in 2001 got along well on a personal level. They were both Scandinavian, and both had a low key, informal and practical way of discussing and dealing with problems and challenges.

The approach itself was less important than the fact that both leaders shared it. Cultural differences between decision-makers in meetings had previously complicated cooperation patterns. The importance of this dimension is virtually impossible to estimate without thorough interviews with personnel.

There has not been a clear, agreed vision, plan and strategy for how to deliver on UNSCR 1244. An assessment of the various mission statements encountered in the above, illustrate this. As elaborated upon in section 3.3.1, there can be and frequently is some distance between main goal and sub-goals. In the present context that would constitute the distance between mandate and statements, and the reality of a mission. But, as was also argued, ideals have purposes too, significant among which is aims to strive for. The mission statements quoted here therefore carry an important message about vision.

KFOR is quite superficial in its general mission statement. KFOR's job is to establish a safe and secure environment that allows UNMIK to establish adequate civil structures for peaceful coexistence and self-government. (<http://www.nato.int/kfor/kfor/objectives.htm>: Oct 16th 2002) The statement says a lot about how KFOR sees the role division. KFOR has responsibility for a secure environment, and that is it. UNMIK has responsibility for reconciliation and reconstruction and everything else – KFOR will offer *assistance*, primarily in matters that have to do with security.

UNMIK does not have a separate mission statement; the entire Resolution is their mission statement and reconciliation is its focal point. The mission statement for Pillar I Police and Justice is, however, more specific than KFOR's mission statement (which refers to the security situation). It points out several specific tasks, such as consolidating law and order structures. Here is a clear difference in levels. Reconciliation is an ultimate goal, while sound law and order structures a sub-goal necessary for the achievement of the larger project.

In theory, KFOR's mission of a safe and secure environment could be accomplished sooner than UNMIK's mission of comprehensive reconstruction

of *inter alia* law and order structures. In that case, KFOR could withdraw. Withdrawal is, after all, the final goal of KFOR. However, effective and functional civil structures of the kind envisaged in UNSCR 1244 and entrusted to UNMIK to build, depend on a minimum level of interethnic tolerance. Security for all persons and communities is probably a minimum prerequisite for such tolerance to come about. Hence, KFOR and UNMIK are not only obliged to cooperate by mandate. They are also forced to do so because of the situation on the ground. Very simplified it could be said that KFOR is *exit* oriented, while UNMIK is *end state* oriented, meaning that KFOR ultimately works to make itself superfluous and UNMIK towards a lasting solution for Kosovo. But neither can succeed if the other fails. Inherent in the final goals duality lie differences in institutional approach to the *Problem*, as well as different time scopes. The military organization is, almost by definition, result oriented. Resources and decision-making processes all focus on reaching objectives quickly. The civil organization, on the other hand, is above all process oriented. Their task is creation, management, and implementation of a certain development, something that has a much longer timeframe and much more diffuse objectives and benchmarks. Cooperation and coordination in concrete issue areas between organizations of such different outlooks is almost destined to be fraught with friction. (Lindeman 2002: 104)

KFOR eventually provided guidelines for civil-military cooperation within many categories. The guidelines are broad and general, do not incorporate plans for coordinating and synchronizing activities, and do not specify measures of effectiveness or envisaged end states. Objectives for the civil-military cooperation are not articulated. The fact that no end state is formulated for Kosovo means no overall strategic plan exists, something that has exacerbated problems in conducting coordinated, goal oriented efforts²⁶. (Wentz 2002: 332-334) UNMIK has lacked authority for directing and synchronizing civil-military activities. (ibid)

²⁶ Based on experiences of MNB (E)

While a military organization such as KFOR can act swiftly due to its structure, discipline, command lines and training, civil bureaucracies are slow in the making. As KFOR was responsible for everything until UNMIK was capable of taking over, this led to a “mission creep” – raised expectations of perpetuate military involvement in such law and order tasks that were clearly supposed to be transferred to the CivPol unit. KFOR was not keen on acting as police, and the slowness with which UNMIK Police were deployed and equipped caused resentment. (Wentz 2002: 322-323) This deployment gap²⁷ produced overlapping security institutions in the law enforcement and public order sectors. The most obvious example is the parallel institutions MSU and SPU. While the mandate requires both KFOR and UNMIK to be involved in these sectors in an initial phase, it does not specify how cooperation should be organized, or how/under what conditions the transfer of security tasks from KFOR to UNMIK should take place. A separate discussion of the dilemmas presented by involving military components in civilian law enforcement is given in section 5.5.1.

KFOR is a military organization charged with accomplishing a political mission. The lack of clearly formulated goals has been a source of continuous frustration with the military establishment in Kosovo. (Interview with one senior official in COMKFOR’s office, August 2001). For the UN apparatus, on the other hand, a process oriented approach to problem solving is much more the order of the day.

Peter’s presentation of “New Institutionalism” (section 3.4.1) emphasized sources of institutional cooperation problems which correspond quite well with elements which have revealed themselves above. Diverging norms, rules and roles have manifested themselves in the inherent differences between military and civilian institutions. Different outlook and processes have come in the way for optimal cooperation even as both organizations formally agree on the goals.

²⁷ Explained in section 4.5

5.3.6 Main points in “Institutions”:

KFOR is a military institution based on NATO with supporting non-NATO states. Organized into 5 regional brigades composed of national military elements, and in addition regionally independent special military units, it is in many ways a collection of several organizations. Multiple command structures and national restrictions create practical problems in terms of organizational unity and efficiency. Mission statements by KFOR HQ, brigade HQs and – where found – national contingents indicate a fairly universal idea of what KFOR’s ultimate goal is: Establish a safe and secure environment stipulated in UNSCR 1244, in which UNMIK can deliver the rest of the mandate pertaining to the society at large. Sub-goals take the form of tasks to achieve a safe and secure environment.

UNMIK as an organization is more unified in terms of organizational structure. A proper hierarchy rules out multiple command lines and loyalties. Both UNMIK in general and UNMIK Police in particular have proved to respond in a meaningful way to the challenges presented them by the environment, and have changed their structures according to developments on the ground. Mandate fulfillment in general is the goal of UNMIK, while a specific agency such as the UNMIK Police has a task list and an organizational structure which reflects sub-goals in terms of accomplishing increased security.

Institutional cooperation between KFOR and UNMIK is formally fairly well established and quite tight. However, they do not share a common vision of what the aim of their cooperation within security is. Duplicate agencies exist. General outlook and approach to the security problems differ. These divergences can by and large be attributed to institutional characteristics which mark the difference between military and civil organizations. Result-orientation as opposed to process-orientation is one crucial dimension here.

5.4 Operations.

This section will focus on KFOR-UNMIK operational cooperation based on functional characteristics of joint efforts in the field. For the purpose of greater textual order the security sector is divided into external and internal security, and the so-called “gray zone”.

External security refers to territorial security. Since 1999 when Yugoslav military and police units withdrew (July) and disarmament of former combatants was successfully completed by KFOR (September), the only remaining external security task that KFOR and UNMIK cooperate on is border security. (S/1999/1250, II B 10)

Internal security refers to all tasks that have to do with maintaining civilian law and order. The issues to be dealt with in this category are policing, illegal weapons, ethnic violence against persons, and the situation in Mitrovica.

The gray zone category encompasses security challenges which could potentially have destabilizing effects on the security situation in Kosovo due to its fragile post-conflict status. An eruption of violence in Kosovo could revert the region to a civil war-like state, which is why crimes that could provoke such a situation must be treated as existential. Existential threats call for military action, but crime is commonly a police responsibility. This ambiguity places the following issues in a “gray zone” category: organized crime, terrorism/insurgencies/non-compliance, and public order.

In Kosovo, the various threats to security do not necessarily fit neatly into a single one of these categories. Ethnic violence can take the form of riots just as well as murder or intimidation. Border offences can end up in insurgencies or be part of a smuggling network, or simply be individual cases of fake travel documents. Any categorization of threats to security is made for the sake of organizing the text, keeping in mind the artificial and sometimes imprecise nature of such a division. The discussion does naturally not represent an exhaustive list of security threats present in Kosovo, but merely a selection of the categories which in the literature appear to be the most serious ones.

5.4.1 External security

Border control is now the primary element of external security in Kosovo. When referring to Yugoslavia in this section, the term Serbia will be used because Kosovo and Serbia are both provinces within the Federal Republic of Yugoslavia and the borderline is not an international border. A strip of land between Kosovo and Serbia called the Ground Safety Zone (GSZ) is a designated buffer territory.

UNMIK Border Police and KFOR share responsibility for border supervision and enforcement. UNMIK Border Police and Customs Service are responsible for law enforcement at 5 border-crossing points: General Jankovic and Globocica in the south-east, Vrbnica and Cafa Prushit in the west, and Pristina airport in the central. Note that “law enforcement” here refers mainly to investigative authority. The UNMIK Border Police enjoy the support of the Ukrainian Special Police Unit with its corps of dogs trained to detect explosives, weapons and drugs. KFOR is responsible for the borders between the crossing points, as well as providing reinforcement for UNMIK at Pristina airport. (UNMIK Police Annual Report 2000: 12-13) KFOR is still ultimately responsible for security and obliged to provide military backup when needed. Transfer of full responsibility for border-crossings security to UNMIK Police is to be completed by the end of January 2003. (S/2002/436, III B 30)

During the first quarter of 2000 there were incidents of armed clashes and refugee flows in the border region between southern Serbia and eastern Kosovo. The border was challenged by Yugoslav police as well as armed, uniformed Albanians believed to be natives of the Albanian-dominated area on the Serb side of the border. There were several incidents of fire exchange involving Serb police, unidentified uniformed Albanians and UN personnel. The upsurge in violence was linked to the emergence inside Serbia of an armed Albanian group called “Liberation Army of Presevo, Medvedja and Bujanovac” (UCPMB) and increased Yugoslav security presence. Civilian Albanians, fearing for their personal security, started to escape into Kosovo. KFOR responded with several raids against the UCPMB located inside Kosovo.

UNMIK and KFOR jointly increased monitoring and surveillance in the area, considered by both as extremely volatile at the time. The situation appeared to calm down throughout 2000. (S/2000/ 538, II B 24; S/2000/177, II B 25)

Instability in Southern Serbia and in the Former Yugoslav Republic of Macedonia threatens the security situation in Kosovo. KFOR and UNMIK work jointly but in different ways to reduce the volatility and its potentially adverse effects on Kosovo. KFOR maintains the Ground Safety Zone between Kosovo and Serbia, continuously pursuing Albanians suspected for or caught in the act of armed opposition in the border region. UNMIK has backed this initiative by declaring illegal any border crossing at locations other than proper border crossing points. The new legislation was a necessary precondition for some more law and order in the border regions. However, it did not create the desired change in the mindset of the population, which ultimately is the factor that will cement its actual establishment.

UNMIK also contributes to regional stabilization through close cooperation with neighboring states.

(S/2001/565, II C 9-11; Lutz 2002: 53)

5.4.2 Internal security

The central duty within this area is law and order enforcement. Roughly said, that includes investigation, prosecution and prevention of crime, and maintaining public order. Prosecution and other judicial aspects in Kosovo is a matter of UNMIK-OSCE cooperation and will not be discussed.

Policing is arguably the core of maintaining internal security. This section starts with a short account of civil-military cooperation in policing as it has emerged in Kosovo.²⁸ Illegal weapons and ethnically motivated violence against persons and property will then be treated. The last section in “Internal security” is the situation in the town of Mitrovica, which is so particular and serious that a separate discussion of it is called for.

²⁸ A general discussion of civil-military law enforcement cooperation in peace support operations is provided in section 5.5.1.

Policing

The international administration is responsible for law and order in Kosovo until local structures for law enforcement which are conducive to international law and human rights have been established and consolidated.

In an initial phase KFOR had to carry out civilian policing duties for the time that it took UNMIK Police to reach operational capacity. Duties have since been transferred step by step. From the end of 1999 KFOR and UNMIK Police cooperated on tracking and maintaining criminal statistics. Both agencies had at this time also established routines for the gathering of incriminating evidence which could be presented in courts (S/1999/1250, IV C 64 and V C 84). Towards the end of 2002, KFOR has retained primacy in Mitrovica, although with active participation by UNMIK Police in daily patrolling and investigation. In line with the intentions of UNSCR 1244, UNMIK Police has in turn transferred certain policing responsibilities to the local Kosovo Police Service, which by late 2002 conducts independent police work in confined areas and disciplines under UNMIK supervision. (S/2002/436, III B 31)

By mid-2000, the UN Secretary General reported that 15-20% of UNMIK Police personnel were at any given time required to perform non-police security related tasks. He also made it clear that joint operations with KFOR were necessary to bolster police ranks with military personnel and resources. (S/2000/538, III 33-34) UNMIK seems to emphasize the concerted efforts to enhance security, the common cause of KFOR and UNMIK, in its periodical reports to the UNSG and the UNSC and in reports and evaluations presented to the public over web. KFOR takes every opportunity to point out that their responsibility is a safe and secure environment and that they have a conservative interpretation of that concept, leaving policing, reconciliation, reconstruction etc. all to UNMIK. Interviews with key personnel in KFOR conducted in August 2001 further reinforce that impression. One American senior officer working in Intelligence within KFOR HQ simply stated as a matter of fact, that *"the military can do its job, but it's up to the UN to bring law and order to Kosovo"*. The dilemma for KFOR is that a safe and secure

environment very much depends on effective policing, a domain KFOR wishes to leave entirely to UNMIK. Effective policing in turn depends on radically improved interethnic relations, which the OSCE and the EU attempt to achieve through institution building, economic reconstruction and education. Success in this respect is heavily reliant on the active support of the local population. Local support has showed a tendency to appear or disappear in parallel with an improved or deteriorated security situation. So, security depends on effective policing, which depends on interethnic tolerance, which depends on security – and there goes the circle.

Illegal weapons

The proliferation of weapons due to the conflict, combined with a general state of fear and lawlessness, has been a persistent major threat to stability and security in Kosovo. The seizure of weapons has therefore been a high priority and a task where KFOR and UNMIK have routinely cooperated.

During the fall of 1999 more than 10.000 weapons were confiscated, ranging in caliber from pistols to anti-tank weapons, from former KLA fighters, citizens of all ethnic groups, and departing Yugoslav forces. (S/2000/177, II B 25) Joint search and seize operations between KFOR and UNMIK Police are mentioned in almost every report from the Secretary General to the Security Council from the beginning of 2000 to September 2002. Operations take the form of house searches and checkpoints with vehicle searches. Smuggling of weapons into Kosovo remains a problem, and joint border monitoring and checks have produced significant arms confiscation. Amnesties have been declared twice (most recently in March 2002) to encourage people to turn in any weapons, which then have been destroyed. (S/2002/436, III B 27)

Continuous Albanian resistance in the border region towards southern Serbia, the Ground Safety Zone, has provided a considerable market for smuggled weapons, landmines, and ammunition with consequent KFOR seizures and arrests. A truckload of weapons destined for this area was discovered and confiscated in Pec in May 2001. (S/2001/565, II C 9)

Between May and October 2001, confiscation throughout Kosovo amounted to 1100 rifles/pistols, almost 1700 grenades, 1100 anti-tank weapons and nearly 170.000 rounds of ammunition. 1000 persons were detained for unlawful possession of arms. (S/2001/926, II B 8) In December 2001 the largest joint weapons search operation to that date was launched by KFOR and UNMIK Police, in which all 5 brigades were involved. This and other joint search operations have proved to be valuable in the sense that they contribute to greatly improving operational cooperation. (S/2002/62, V 22)

Ethnic violence

This section will account for joint efforts targeting ethnically motivated crimes against persons and private property. Planned and organized acts of violence against groups or institutions, ethnically motivated public disorder, and similar larger scale security threats will be dealt with in section 5.4.4.

When the international presence entered Kosovo, their intervention was largely motivated by intolerable ethnic violence largely against Albanians in that territory. As Serb security forces withdrew from Kosovo, the tide turned. The OSCE reported ruthless vengeance campaigns committed by Kosovo Albanians against Kosovo Serbs and other minorities during the summer of 1999 (OSCE: *As Seen, As Told*, 2000). The ethnic groups in Kosovo were not separated by boundaries, security zones or residing in isolated enclaves, they were uneasily mixed throughout the land. The population was also not war-weary. Tackling crime, preventing ethnic violence and diffusing, or at least keeping a lid on, ethnic tensions were therefore pivotal security concerns from the start. (Wentz 2002: 320) July 2002 is the first time the UNSG reports that the security situation for minorities “*seems to have improved*” (S/2002/779, IV A 23)

As early as July 1999, KFOR and UNMIK brought together leaders of the Albanian and Serb communities in Kosovo in order to agree on concrete measures to be taken to enhance security for all inhabitants in Kosovo. The meeting produced a joint statement on cooperation for security. (S/1999/779,

III 26) By September, calls for tolerance and non-violence had not yet significantly reduced either the number or the ferocity of attacks against minorities. KFOR was nevertheless praised for its progress in providing a secure environment assisted by some 1100 UNMIK Police officers – while it was acknowledged that twice the effort was needed at a minimum to provide acceptable security for minorities. The international community was urged to mobilize and deploy the mandated number of civilian police quickly to this end. (S/1999/987, II 4, VII 46)

Throughout the rest of the year 1999, minorities all over Kosovo continued to suffer attacks in many forms: killings, arson, abductions, illegal arrests and detentions, unlawful seizure of property including eviction, beatings, threats and harassment. The freedom of movement for minorities was seriously restricted due to this situation. KFOR and UNMIK coordinated several measures to alleviate the situation, including installment of house alarms, and establishment of protected shuttle bus services. Of special concern was the emergence of an apparent trend of organized criminal elements to use juveniles to commit such crimes. Due to the lack of juvenile courts and detention facilities juveniles were not prosecuted at the time, producing de facto impunity for underage offenders. (S/1999/1250, II C 15-18 and III B 25-26)

Again a repeated call was made to the international community to rapidly send more police officers to Kosovo, despite the fact that KFOR and UNMIK Police had doubled their security efforts since September. Already some months after intervention took place, the UN Secretary General was forced to face a lack of international commitment to Kosovo in terms of resources allocations. Simultaneously, the UNSG had to face an apparent lack of commitment to the peace process by significant numbers of people in Kosovo. This, of course, exacerbated the resource problem. (ibid, VII 110-111)

February 2000 was violent. Between the 1st and the 19th UNMIK Police and KFOR reported at least 36 separate incidents of violence against Serbs, including grenade attacks, arson, and murder. Destruction and/or seizure of

property remained a problem with victims in all ethnic groups, as did inhibited access to vital public services such as food aid, health care, and shelter. KFOR and UNMIK met the heightened threats with targeted deployment including armed guard of residences, installment of reinforced doors and windows in residences, guarded bus lines, improved distribution of commodities, improved access to satellite and mobile phones in isolated ethnic enclaves, and increased UNMIK presence in minority areas. The UN Secretary General emphasized that neither the people nor the leaders of Kosovo demonstrated the necessary commitment to promote inter-ethnic tolerance, even less reconciliation. (S/2000/177, IV A 58-59 and XII 153) The concern was repeated some months later. (S/2000/538, XI 123)

The joint efforts did not appear to have an immediate ameliorating effect, as minorities, and Serbs in particular, continued to suffer from crime to a disproportionate degree throughout 2000. Arson, assault, and murder were the most prevalent crimes, in that order. Access to public services and aid remained limited for minorities due to the security situation, despite the efforts of the UNMIK Police, KFOR and different aid agencies to reverse this development. UNMIK Police and KFOR jointly started a special minority protection project in Pristina in order to provide immediate physical security as well as to ensure long-term security through city development projects. (S/2000/538, III A 39-44)

During the first half of 2001 violence against Serbs in particular was so severe that it prompted temporary suspension of bus lines and train services, which in turn further hampered this group's freedom of movement. (S/2001/565, II B 6) Both were resumed towards the end of 2001, but then under full UNMIK responsibility. They had formerly been operated by UNHCR, with KFOR protection under certain circumstances. (S/2001/926, II B 7)

After the first Kosovo-wide elections in November 2001 the level of serious crime against minorities finally decreased somewhat. Minor incidents were nonetheless rife, including a number of cases of stone throwing by juveniles against minority targets (persons and property). (S/2002/62, V 21)

The decline continued through the first half year of 2002. By July economic gain seemed to be the most prevalent motif for criminal activity, as opposed to previously ethnic animosity. However, the UN Secretary General has pointed out that while the concerted initiatives by KFOR and UNMIK Police certainly have had a positive effect, a significant part of the explanation is greater segregation due to many members of minorities having left Kosovo or staying in enclaves. (S/2002/436, III B 21; S/2002/779, IV A 21) After a visit in August 2001, the UNDP confirms the impression that it is in fact ethnic segregation consolidated by default that is the main reason for the reduction in ethnic violence. (UNDP/DPKO 2001: 15)

Mitrovica

The divided town of Mitrovica in North Kosovo (KFOR sector MNB(N)) is one of few towns in Kosovo where groups of different ethnic origins still co-exist in substantial numbers. The Serb and the Albanian parts of town are separated physically by the Ibar River. A small bridge crossing the river has become a focal point of tension and a political headache, as it represents, *de facto*, an ethnic segregation. The level of ethnic violence is exceptionally high, acceptance of the international presence's authority exceptionally low.²⁹ (UNMIK Police Annual Report 2000: 15) Due to these circumstances, KFOR is still in charge of the security situation at large in Mitrovica, although law enforcement and public order is now carried out in regulated cooperation with UNMIK Police in the daily life.

The MNB (N) is under French command. Initially, the brigade command was left to handle the many problems of Mitrovica alone. The French chose to place an armed checkpoint on the bridge over the Ibar, complete with razor wire and tanks, in order to keep Albanians and Serbs on each side from fighting. The result was that the city for all practical means became divided, which is contrary to the spirit and letter of the UNSCR 1244. KFOR proved

²⁹ The incidents of ethnic violence in Mitrovica are too many to account for in detail, so only landmark events will be described with their consequences.

unable to protect Albanians resident in the North of the city as well Serbs in the South, which reinforced the feeling of division and undermined public confidence in the international presence. (Perito 2002: 14)

In February 2000 serious violence took place over the course of several days. Displaying characteristics of urban warfare, it included an initial grenade attack on a civilian target, exchange of gunfire as well as sniper fire, and confrontation between Albanian demonstrators and KFOR forces where tear gas was dispersed to stop the crowd from entering the Serb part of town. The Serb population openly advocates ethnic segregation of the town, firmly believing this alone can guarantee their security. The Albanian inhabitants are vehemently opposed to such an idea. It also runs counter to UNSCR 1244, which rules out altering any aspect of territorial status in Kosovo. The SRSG is determined to establish unitary self-governing institutions in Mitrovica just as in the rest of Kosovo. (S/2000/177, II B 21-23)

In April 2000 the first UNMIK Special Police Unit, from Pakistan, arrived in theatre, ready to take responsibility for public order, riot control, and similar challenges. They were deployed directly to Mitrovica. However, KFOR has primacy of every law and order task in Mitrovica. It was free to choose its course of action in the many incidents of public riots that took place in the spring and summer of 2000, and it relied on itself. The Pakistani SPU was never called upon by KFOR to perform the duties they were designated for, and in one incident in June the SPU was forcefully prevented by French KFOR from responding to a call for backup from UNMIK Police in North Mitrovica. The fact that the French has a unit of Gendarmes, police with military status, within their contingent has made it possible for French KFOR to meet public order challenges in a meaningful way. The Gendarmes are specially trained for such duty and routinely engage in it in France. Additionally, French KFOR and Gendarmes have complete language and equipment compatibility, which makes operational coordination in heated situations a matter of routine. It could potentially pose many and serious complications to coordinate operations with the Pakistani SPU due to these practical issues. Other

suggested reasons for non-cooperation with the SPU are that the French were worried about the human rights record of Pakistani security forces, and that it would fuel rather than calm the situation to send in a unit of Moslems against the Orthodox Christian Serbs. (Perito 2002: 17-18)

By the end of 2000, an improvement in the general security situation in Mitrovica is recorded. The credit for this is given to a joint KFOR/UNMIK strategy to broaden the control over northern Kosovo. (S/2000/1196, II B19)

The following winter (Jan./Feb. 2001) Mitrovica saw a re-emergence of violence instigated by Kosovo Albanian youth, directed at the Northern side of town as well as against KFOR and UNMIK Police vehicles. UNMIK and KFOR consequently persuaded Kosovo Albanian leaders to issue a declaration calling for increased KFOR/UNMIK Police/KPS presence and adherence to the principles of peaceful and constructive coexistence. The Serb community promptly issued a statement of non-concurrence to the declaration. (S/2001/218, II B 6) In March this disobedience was expressed by violent demonstrations against UNMIK Police following the arrest of 3 Serbs, in which 21 UNMIK Police officers were injured and several UNMIK Police houses and vehicles damaged. UNMIK Police suspended patrols in North Mitrovica in the wake of these events, which seemed orchestrated to drive UNMIK out of that area. Patrols resumed in May, reinforced by KFOR troops. UNMIK and KFOR authority was further challenged in North Mitrovica and surroundings by illegal blockades of critical roads, apparently erected by rivaling Serb leaders. The blockades were dismantled in mid-May. (S/2001/565, II B 8) Towards the end of 2001 the situation appeared stabilized, although on a tense level.

A joint strategy for Mitrovica was endorsed at a meeting in the North Atlantic Council (NATO) in June 2001, at which both COMKFOR and the SRSG were present. It was decided that Kosovo Albanian leaders and Serb leaders in Belgrade (in Yugoslavia proper) be involved in the strategy through dialogue. (S/2001/926, E 4)

The Serb community has remained opposed to the international authorities. It has established at least one parallel security structure, the so-

called "Bridge Watchers", to serve the Serbs in north Mitrovica. The Bridge Watchers are in clear violation of the UNSCR 1244 because the resolution grants law enforcement powers to the international presence alone. (Perito 2002: 14-15) UNMIK Police and KFOR have met The Bridge Watchers with concerted and robust measures. Examples of joint efforts are increased community policing, search and arrest operations, and public information campaigns. Much of the reported violence committed by Serbs was directed at UNMIK and KFOR personnel, as opposed to civilian inhabitants, and ranges from grenade attacks to demonstrations. (S/2002/62, V 23) By April 2002 the Bridge Watchers were still active and enjoyed considerable popular support among Serbs in Mitrovica, despite the continued coordinated efforts of KFOR and UNMIK to break down parallel security structures and simultaneously meet the security needs of the Serb population. At this time KFOR support was still required in order for UNMIK Police to perform their duties in north Mitrovica. (S/2002/436, III B 24)

Riots in February 2000 put the relations between UNMIK and KFOR to a severe test. Responsibility for security ultimately rested with a 250-man infantry battalion of French KFOR soldiers, while there were 65 UNMIK Police officers deployed to patrol both sides of the river. During the riots there were several occasions when KFOR failed to respond to UNMIK Police calls for reinforcement. In one incident one CivPol officer and a group of French paratroopers attempted to reach a group of Albanians trapped in the Northern part of town. The CivPol officer was knocked down by the mob, whereupon the French retreated to cover instead of coming to his rescue. Eventually some Danish KFOR troops got him and the Albanians out. The episode created many hard feelings between UNMIK Police and the French KFOR. The already negative attitude in the Albanian population in Mitrovica towards the French hardened. They were convinced a historical affinity existed between the French and the Serbs, something that did not enhance the Albanians' feeling of security under French protection. No formal explanation of the French priorities in this situation has been given, but the episode does

illustrate the centrality of national commands within KFOR. (Perito 2002: 16) No higher command was authorized to order the French to change their course of action, despite the fact that the brigades formally are under the command of the KFOR Headquarters and COMKFOR.

Mitrovica in many ways illustrate the hub around which political developments in Kosovo spin: a fundamental lack of support from the different ethnic communities to the explicit goal of the international presence, namely peaceful, multi-ethnic coexistence within Yugoslavia. One officer at the KFOR HQ Joint Operation Center (JOC) pointed out that Mitrovica wrongly has been portrayed as a military problem. It is not. Militarily it would arguably be quite easy to deploy a unit of suitable force strength to establish order and demonstrate that local warfare will not be tolerated. But Mitrovica is a political problem, one that is too delicate and important to be handled on KFOR brigade level. (Interview, August 2001). Politically, there is, as of yet, no visible will to discuss the final status of Mitrovica, which really is the heart of the problems in this city.

5.4.3 Gray zone security challenges

As mentioned above, some security challenges in Kosovo (and in PSOs in general) are so serious that they in fact pose potentially existential threats to an area and/or a society. In such situations good arguments exist for involving military forces in law and order tasks, although this is strictly the domain of civilian police under normal circumstances. For Kosovo, there are two main arguments. One is the lack of adequate functional and judicial capacity within the civilian law enforcement agencies. The other is the clear link between armed resistance groups inside and in the border regions to Kosovo, and perpetrators of organized crime, ethnic violence and general extremism. (Otterlei 2002: 9)

KFOR started their mission with a focus on external threats to the Kosovo territory, but were soon forced to act beyond that for a meaningful security situation to appear at all attainable. Two years on, elements formerly

constituting an external threat (guerillas) had become an integral part of criminal networks operating not only in Kosovo but in the whole Balkan region. Their activities are a blend of ethnic violence, political extremism, smuggling, and trafficking, and so they pose a threat simultaneously to internal and external security for which KFOR initially was not intended or equipped. These gray zone security challenges thus pose maybe the most obvious and also the most serious arenas for security cooperation between KFOR and UNMIK. (Lindeman 2002: 102)

Organized crime

Already in late 1999 the UN Secretary General directed the attention of the Security Council to the problem of organized crime in Kosovo, noting the apparent consolidation of networks operating in smuggling, extortion, gambling, human trafficking, drugs, and establishing illegal security structures. All of this is further seen to undermine the goals of stabilization and establishment of rule of law set forth by the UN in UNSCR 1244. (S/1999/1250, II C 19).

In early 2000 human trafficking and forced prostitution were recognized as serious threats to security and not least human rights, although neither was a crime according to Kosovo law. Legislative review to remedy this shortcoming only started in 2000. (S/2000/538, VI B 49). These crimes were targeted by joint KFOR/UNMIK counter-actions from the start. Several raids against suspected brothels were conducted in joint operations, and shelter for female victims was established under KFOR security. Victims were largely foreign women who had been kidnapped and smuggled into Kosovo, but a disturbing increase in the abduction of local girls and women was also noted at this time. (S/2000/177, IV B 61) Throughout the year, joint operations were conducted, culminating with major operations in November in which several persons were arrested for trafficking of women (among other things) in Kosovo Polje and Pristina. (S/2000/1196, II B 18) UNMIK Police established a designated unit for tackling trafficking in women and forced prostitution at this

same time, which proved quite successful from the start. (S/2001/218, III D 34) In January 2001 the new law³⁰ (UNMIK regulation) on trafficking came into effect, and by the end of 2001 teams from the Trafficking and Prostitution Investigation Unit were in place in each of the five regions in Kosovo. (UNMIK Police Annual Report 2000: 23)

Joint operations against organized crime evolved to become a cornerstone for both UNMIK Police and KFOR law enforcement efforts throughout the year 2000. In October and November major operations were carried out that resulted in the arrest of 3 Serbs, 27 Albanians, and several other persons of unspecified ethnic origin, and seizure of large quantities of weapons including bomb making equipment, unaccounted-for cash, and drugs. (S/2000/1196, II B 18)

KFOR conducted a unilateral operation called “Eagle” aimed at stopping smuggling. During KFOR 5 (2001) a working group called Task Force Eagle 2 was formed to look at ways to improve cooperation against smuggling. A large, joint vehicle search operation called “Groundhog”, which incorporated all MNBs and UNMIK Police, was launched Kosovo-wide and coordinated by KFOR’s Joint Operation Center (JOC). One of the benefits sought was the possibility to monitor and pursue if necessary vehicles checked in one sector into another sector, something that normally was difficult due to different KFOR commands in different sectors. The operation revealed several weaknesses in the overall security system. First, there was no consensus in the field as to what a “search operation” meant. Different units from different nations had different views regarding how thorough a search is, how to set up and run checkpoints, and so on. The non-existence of Standard Operating Procedures (SOP) for such operations was a tangible problem. Secondly, there were language problems seriously hampering cooperation and coordination and slowing every reaction. This reduced both efficiency and impact, as smugglers in Kosovo are well organized. Scouts equipped with mobile phones were able to locate and report checkpoint sites and to move

³⁰ Pending a political solution, UNMIK is authorized to issue regulations that have the force of law in Kosovo.

traffic around these faster than the international personnel got around to relocating. (Interview with an officer at KFOR HQ Joint Operation Centre, August 21st 2001) Operation Groundhog did demonstrate the usefulness of sharing information, however. Significant amounts of weapons were discovered and seized with the support of a joint database allowing for monitoring and tracking of suspected persons and vehicles throughout Kosovo and the region at large. (Lutz 2002: 55) The importance of shared intelligence is elaborated upon in section 5.5.2.

Terrorism, insurgencies, non-compliance

Organized, armed opposition to the international administration of Kosovo has been a serious challenge to the re-establishment of law and order in the province. Former combatants of the KLA have repeatedly been involved. Initially, resistance was met by KFOR troops as part of the demilitarization of KLA. When that process was declared completed in September 1999, insurgencies became a law and order problem and not a demilitarization issue. UNMIK Police claims that acts of terrorism are a sporadic phenomenon in Kosovo. Such acts are directed both at minorities in order to make them flee Kosovo, and at moderate political figures and symbols in order to reverse the reconstruction and reconciliation process. They tend to be highly motivated and carefully planned, and therefore difficult to investigate. The greatest obstacle for investigators is, however, non-cooperation on the part of the public, whose members display great reluctance to come forward with information. (UNMIK Police Annual Report 2000: 35)

During the late fall of 1999 there were several serious incidents of non-compliance with UNSCR 1244 by former KLA members. Involvement in criminal activity, keeping of weapons arsenals, and attempts to act illegally as law enforcement officials are some examples. To counter such developments and make clear to all that non-compliance would be firmly and swiftly dealt with, UNMIK and KFOR worked together but in separate competencies. UNMIK Police arrested several suspected perpetrators and KFOR conducted

a series of raids on former KLA assembly areas and offices. Joint efforts were conducted at both the political and operational levels to address issues of illegal law enforcement, detention facilities and police stations. (S/1999/1250, II A 12-14 and IV C 64)

A bomb attack in central Pristina killed one prominent Yugoslav civil servant on April 18th 2001. Joint UNMIK Police and KFOR investigations led to the arrest of one person only 2 days later. (S/2001/565, II B 6)

Meanwhile, a growing trend of non-compliance was evident in the increase in aggressive behavior and attacks on international security personnel all over the territory. The trend seemed to go on unabated throughout the year. (S/2001/565, II B 7; S/2001/926, II B 10) Violence against KFOR and UNMIK Police continued to increase in 2002. (S/2002/436, III B 23)

In order to strengthen the work against terrorism and organized crime, UNMIK established 5 special units in the end of 2001. One, the Sensitive Information and Operations Unit, caters to UNMIK Police and KFOR by providing expertise on organized crime and terrorism and by processing sensitive information into evidence that can be presented in the courtroom. (S/2002/62, VI A 26)

Public order issues – ethnically and/or politically motivated organized violence

The main threat to public order in Kosovo remains ethnic antagonisms. Section 5.4.2 treated ethnically motivated crimes against persons, and in the following the turn has come to ethnically motivated violence on a scale that threatens societal structures.

Immediately upon the withdrawal of Serb security forces from Kosovo in 1999, a wave of violence against Kosovo Serbs committed by Kosovo Albanians practically emptied parts of Kosovo of Serbs. Atrocities included murder, arson, looting, kidnapping, and unlawful expropriation of property, and KFOR in its early days proved unable to effectively counter the developments. (S/1999/779, II A 6)

With the arrival of UNMIK CivPol officers and consolidation of KFOR presence, the international administration assumed a firmer grip on the situation as work to restore order and security progressed. UNMIK set up a shuttle bus service between enclaves inhabited by ethnic minorities to facilitate a degree of freedom of movement for non-Albanians in October 1999, together with KFOR who provided security (armed escort). The service was temporarily suspended after an attack on a convoy of some 127 Serbs on October 27th. Another joint initiative to provide security for minorities conducted this fall was installation in homes of emergency calling devices, reinforcement of doors, and the establishment of a hotline to and between UNMIK Police and KFOR. (S/1999/1250, III B 25-26)

In March 2000 the UN noted that the security situation for minorities had not improved. In February a rocket attack on a bus carrying 49 Serbs killed 2 and injured 3. The bus belonged to UNHCR and was escorted by 2 KFOR vehicles. The incident spurred the Mitrovica violence of February 2000 described in section 5.4.2. Following the riots in Mitrovica there was an increase in grenade and arson attacks on Serb enclaves in Kosovo in general. (S/2000/177, II B 20, 21, 24)

An increase in what seemed to be orchestrated violence against Serbs during the spring of 2000 prompted a continued focus on and enhanced UNMIK/KFOR cooperation in public order. Expanded response to incidents, more joint operations, better communication and tactical coordination – all in the field – were among the most important measures, especially in the Mitrovica region. (S/2000/538, II B 21-23)

Towards the end of 2000 KFOR and UNMIK Police all over Kosovo cooperated in the management of public events security to counter political violence, pivotal in this period because of the local elections held in November. A Political Violence Task Force was established staffed with UNMIK Police and KFOR officers all over Kosovo, to coordinate activities between the two organizations on local, regional, and central levels. The most common security

responses were provision of military/police patrols and personal protection of highly-at-risk individuals. (S/2000/1196, II B 16).

Cooperation in special security measures for threatened minority communities was also effectuated. UN Special Police Units have provided support to both UNMIK Police and KFOR. They proved to be especially suited to conduct weapons search & seize operations jointly with KFOR due to their dual police-military capabilities. In the west and southeast the security situation for minorities prompted joint UNMIK Police/KFOR patrols and the establishment of a common hotline, which both appeared to have a positive effect. (S/2000/1196, III 28-31 and VI 37) The municipal elections went ahead peacefully, preceded by only insignificant violence, although violence picked up again following the elections. (ibid, XI 107) Prior to the Kosovo general election in November 2001, the Political Violence Task Force was revived following several criminal incidents that appeared to be politically motivated, including an assassination attempt on a local politician. (S/2001/926, II B 9)

In March 2001 the UNSG reiterated that ethnic/political violence remains a real threat to the fulfillment of the entire mandate. Mitrovica was still a source of instability not only to itself, but to surrounding areas as well. In December 2000/January/February 2001 orchestrated riots by ethnic groups took place on many locations. UNMIK Police and KFOR were not only jointly acting to stem the riots but were indeed targets of the violence in their own right. In the Prizren and Pristina regions several mortar and explosives attacks on Serb civilian, cultural, and religious targets as well as a school bus occurred despite concerted and coordinated KFOR/UNMIK Police measures to stop such violence. An attack on a Serb bus under KFOR escort in February exacerbated local feelings that the international presence provides inadequate protection for everyone but Albanians. The bus attack was, however, followed by unusually efficient and well-coordinated joint actions by KFOR and UNMIK Police to provide emergency medical services and prevent any follow-up violence. (S/2001/218, II B 6-10)

Meanwhile, minority communities in general continued to rely on joint UNMIK/KFOR protection for security in the conduct of basic daily activities and needs, from freedom of movement and access to public utilities to supply of some commodities and protection from attacks. (ibid, II E 18) Heavy police and KFOR presence was deployed to the Gnjilane region following an upsurge in violence against Serbs in January/February 2002. Curfews and searches of buildings and vehicles were implemented to curb the harassment. (S/2002/436, III B 22) From April to July 2002 no organized, ethnically motivated violence was reported and the general security situation for minorities seemed to have improved. Random attacks were indeed carried out, but previous periods were characterized by apparently systematic attacks. Based on this positive trend, KFOR and UNMIK started planning the transfer of further responsibilities from KFOR to UNMIK Police. (S/2002/779, IV A 23)

5.4.4 Operational cooperation

The above account shows three dominant features of KFOR/UNMIK cooperation in the security sector: One: The missions of KFOR and UNMIK are intertwined. The establishment of a safe and secure environment and the re-establishment of law and order are jobs that go hand in hand. Two: In practice, cooperation seems to be predominantly a matter of task division, not joint operations. And three: Where actual cooperation is taking place, it is overwhelmingly carried out based on the day-to-day challenges met in the field. It has evolved and changed according to developments in the theatre. Civil-military cooperation is taking place by default, rather than design. (Lindeman 2002: 104-105)

As pointed out in section 5.4.2, a safe and secure environment depends on effective and successful policing. This makes for uneasy inter-dependency between competencies of the military KFOR and the civilian UNMIK. One officer at the KFOR HQ Joint Operations Center had this comment: *“KFOR is committed to a “safe and secure environment”. It understands that this will go on until a political solution is found. What we need is a far more efficient police.*

Nations don't want their soldiers involved in fighting organized crime, which is understandable. That is police business. But on the other hand, this is all mixed together, and we cannot create a safe and secure environment without confronting organized crime in one way or the other.” (August 2001)

Reports and interviews all point to KFOR being in possession of more security personnel and more resources than UNMIK Police. KFOR's reluctance to contribute personnel and resources with reference to mission creep has been reported to create resentment in UNMIK Police. As one senior UNMIK official articulated it: *“KFOR has the resources but won't get involved, so UNMIK has to ask for support for many tasks and materials to do their job”* (Interview, August 2001). As a result, KFOR has come to provide backup for UNMIK Police under two circumstances. One is in situations where KFOR still retains primacy according to the mandate. The other is in situations where success for a given police operation is perceived as a precondition for the safety of KFOR troops in the area, or for success for any KFOR assignment in the area. Mitrovica is a good example of a working cooperative relationship between KFOR and UNMIK on a day-to-day basis, one where KFOR both retains primacy and recognizes that its own mission depends on effective policing. KFOR quite explicitly does not want to conduct policing, but has plenty of evidence that UNMIK Police does not possess the capabilities Mitrovica requires. Thus, KFOR has assumed an operational support role, which it fills comparatively well.

Incentives are still strong to demonstrate a clear separation between UNMIK and KFOR, however. Community policing is a central concept in UNMIK Police daily operations, meaning a low-key approach where public relations and gaining public trust are some of the most important tools in tackling crime. (UNMIK Police Annual Report 2000: 29) For KFOR, maintaining the contrasting image of professional soldiery is equally important. One officer who served in Mitrovica had this comment on the concept of “social patrolling”, patrolling just to show presence and be in contact with locals: *“Soc Pat – what is that, I'm just asking. We're trying to stick with our*

soldier identity. We don't put our guns down and become police officers. We are very conscious about that". (Interview, August 2001) A senior officer at the KFOR HQ, working for the Joint Implementation Committee, goes further. He asserts that proper soldiers are the only international personnel that enjoys any credibility at all among the local population, precisely due to their highly visible arms and tough way of conducting duty: *"An Albanian just may accept to be detained by KFOR, because they respect us. But they do not respect UNMIK Police. And in no way the KPS – like, "who do they think they are?". Kosovo Albanians will never arrest their own kind, that is a complete illusion. [...] People respect force of arms."* (August 2001)

Practical security cooperation is a matter of duty (adopted as a principle in UNSCR1244), and a matter of necessity, but apparently a difficult concept for the agents to get a holistic grasp of. As seen previously, they are provided with no specific guidelines in the mandate. Therefore, task division according to normal separation between military and civilian tasks seems to be followed as far as possible. Joint operations are organized in response to specific problems and limited in time and scope. This *modus operandi* overall constitute a security cooperation pattern dictated by developments on the ground, not by design and targeted intention.

5.4.5 Main points in "Operations":

From the above account it is possible to identify at least two important issues within operations that have an impact on UNMIK-KFOR cooperation. One is the nature of the actual security challenges in Kosovo, and the other is the actual division and coordination of tasks between the agencies.

It appears that the most serious security challenges that Kosovo faces, which KFOR and UNMIK must address, are persistent ethnic violence, non-compliance to the peace agreement by segments in Kosovo society, and organized crime in several areas.

UNSCR 1244 makes clear that it is the intention of the international community that Kosovo remains multi-ethnic and that it should move toward

ever increasing and consolidation of interethnic tolerance. The situation in Kosovo does not offer good prospects for the departure of the international presence anytime soon. KFOR has focused on erecting security structures to keep people off each other's throats, while UNMIK has conducted a broad effort in virtually everything it does to encourage and enforce multi-ethnicity in the rebuilt Kosovo. The establishment of an unbiased, reliable law enforcement sector is a pivotal part of that effort. Non-compliance refers to the segments of Kosovo society that actively oppose the UNSCR 1244 and therefore refuse to cooperate with the international presence. Aspirations of national independence is the most common reason for non-compliance, which of course is a barrier to successful implementation of the UNSCR 1244. Resistance struggle also threatens security whenever it takes the form of actual fighting. It is significant that the many Kosovar political groups and agents that do work together with the international presence, ultimately hold independence ambitions too. They have opted to cooperate instead of fighting, so represent an optimistic trend of politics by dialogue. It should cause concern in the international community that large parts of Kosovo's people do not support the solution envisaged for Kosovo in the UNSCR 1244. The crucial question is "*What will happen when NATO and the UN leave?*" – the answer to which few dare to speculate.

Organized crime with economic motivations has emerged as a prime security challenge. The Balkans has become perhaps the largest transit area in Europe for human trade, above all in the sense of sex slaves. The brutal nature of organized crime is in itself a potential security threat to people in Kosovo. With a tangible increase in kidnapping and trading of Kosovar girls the security situation has further deteriorated.

When it comes to division and coordination of tasks between UNMIK and KFOR within security, the UNSCR 1244 prescribes a gradual transfer from full KFOR to full UNMIK responsibility. The actual situation in this respect is that transfer of powers has reached different stages in different task areas. Mitrovica is still KFOR's responsibility, although joint operations with UNMIK

Police now are the order of the day. Criminal investigation, on the other hand, is more or less completely in the hands of UNMIK.

The above description of operations shows two dominant features of task distribution: For one, it has largely been conducted on the basis of developments on the ground. The situation, not a plan or scheme worked out in headquarters, has determined the time, pace and circumstances for transfer of powers. Second, joint operations have most often taken place when one of the agencies has requested the assistance of the other. Only on rare occasions have operations been carried out on a truly common basis, where both agencies have participated on equal footing in all stages of planning and implementation. “Groundhog” is one such notable exception. Both of these features speak of a significant element of *ad hoc* in the implementation of UNSCR 1244. The resolution is notoriously vague regarding the “hows” and “whens” of civil-military cooperation, a feature which has manifested itself in the actual conduct of cooperation. This is not necessarily bad, as flexibility can be a crucial asset in the unpredictable environment of a post-conflict territory. However, a more target oriented approach could be more cost-efficient and provide operations with a focus and a purpose greater than getting through the present day.

5.5 Issues of special concern in KFOR-UNMIK security cooperation

The above review of institutional and operational KFOR-UNMIK security cooperation highlighted some issue areas that call for separate discussions. In this section the following subjects will be more closely scrutinized: The involvement of military personnel in law enforcement; the problem of intelligence in civil-military cooperation; and aspects of multi-nationality.

5.5.1 Civil-military cooperation in law enforcement

Using military personnel for policing duties in PSOs is a practice that has evolved almost by default, as a response to developments on the ground in the different theatres of intervention. The Kosovo operation represents the first

attempt by the international community to recognize the need for reinforced law and order capacity in a post-conflict environment by way of mandating civilian-military cooperation in policing and security. By placing law and order responsibility on KFOR until UNMIK Police was ready to take over, significantly not specifying a time at which such capacity should be in place, the UNSC sought to overcome the problems of the deployment and enforcement gaps illustrated in section 4.5.

Alice Hills analyzes some important aspects of civilian-military cooperation in policing and security in *International Peacekeeping* (Vol. 8 No. 3) Autumn 2001. The reason why the military becomes involved in law and order maintenance in the first place, is usually a combination of several factors. Non-compliance with the peace process on the part of one or more belligerent/s, a general state of lawlessness, and CivPol weakness in the face of severe violence and instability are the most prominent ones. The military tends to be reluctant to engage in civilian policing. This is partly because their personnel are not specifically trained for it, but more importantly because the military is a coercive resource of the last resort and cannot be seen to fail. Police personnel, on the other hand, tend to be suspicious of military involvement in policing for a number of reasons. Lack of training in investigation techniques and different operations approaches are two prominent ones. Nevertheless, the military is usually acknowledged as a necessary evil in a phase of an operation. Reinforcement in terms of security backup and logistics is generally both necessary and welcome. The issue of meaningful cooperation then becomes first and foremost a question of establishing a functional partnership. The process leading up to that rests on three “critical parameters” in the words of Hills: the nature of police work, points of interface, and national perspectives.

What constitutes police work is difficult to define and varies greatly between countries. For PSOs, however, it is generally true that police work is artificial and selective. It is artificial because the foreign police forces are fundamentally alien to the population. They also lack the local knowledge they

would normally rely on when policing at home. Multi-nationality reinforces artificiality. In addition, in PSOs the international police are assigned tasks not normally within their duties, such as election monitoring, local forces supervision, etc. It is selective because a range of concerns determines exactly what situations will produce intervention by whom. Specific problems, national restrictions, vested interests and fear of mission creep³¹ are central examples. As a result, civil-military cooperation tends to be a practical, situation-bound business – not a product of high-level strategic considerations, planning and institutional coordination. As the above examination has demonstrated, this is indeed the case in Kosovo.

Points of interface are the situations where the police lack capabilities to deal with a security threat that is not territorial. Riot control is a typical example. In Kosovo, special units of police with military status have been deployed to cover this ground, an issue that will be dealt with below.

National perspectives play perhaps a greater role than many would like to admit. As mentioned before, what constitutes police work varies between countries. So does the nature of relations between police and military forces, and the professional standards they abide by. Therefore, views on appropriate task division, cooperation, professional conduct etc., tend to vary between national contingents in the field as well as between decision-makers of different nationalities. Military contingents in PSOs remain under national command for all practical purposes. As a rule, they arrive in theatre with plenty of national restrictions and a nation specific training background. Police officers are much less affected by national restrictions, as they are commonly employed by the UN and not the home government. Nevertheless, training and experience do vary greatly between officers of different nations. The importance of multi-nationality will be elaborated upon in section 5.5.3.

All of the concerns Hills brings up are represented in Kosovo. Mitrovica is a prime example of the challenges pointed out by Hills.

³¹ A situation where a mission ends up taking responsibilities not specifically assigned to it, based on developments on the ground rather than decision.

The special units of police with military status deployed both to KFOR and UNMIK is a determined attempt to fill the conceptual space between civil and military security agents and address security challenges that do not fit into their respective regular responsibilities. (Larsen 2002: 18) Public disorder was acknowledged by the UN as an especially difficult security challenge in post-conflict territories for the first time in UNSCR 1244. Accordingly, special units with a combination of police and military capabilities were assigned to respond to the heightened threat level that public disorder represents.

KFOR's Multinational Special Unit (MSU), is an integrated part of KFOR and abides by KFOR Rules of Engagement (ROE). They have been deployed when and where needed in a police capacity, but possess specialized skills and resources in crowd control, anti-terrorism, and organized crime.

It took a considerable amount of time for the UN to deploy the UNMIK Special Police Units (SPU). By the time the SPUs were completely deployed, the immediate public order threat was largely quelled in Kosovo by an assertive KFOR presence and growing and consolidated UNMIK Police presence. (Perito 2002: 23) In the incidents of civil disorder and ethnic violence that have taken place, the SPUs were generally not used. Where UNMIK has primacy of law and order, UNMIK Police has been reluctant to deploy SPUs for several reasons. The police command was from Northern Europe and America, societies with no culture for police forces with military status. The SPUs largely come from non-European countries. There has been considerable scepticism regarding their methods, because such forces usually are empowered to resort to force when they themselves deem necessary in order to accomplish whatever mission they are on. (Larsen 2002: 29, 32) There have been concerns that SPUs could resort to disproportionate violence against civilian crowds, potentially provoking questions as to the legitimacy of the entire international operation. KFOR was not very interested in utilizing the resources of the SPUs in their areas of primacy, preferring instead to use the MSUs, which are organic to KFOR. (Perito 2002: 21-22) On the ground, the SPUs have ended up performing a range of security related duties that have

nothing to do with crowd control. UNMIK Police, not knowing quite what to do with the SPUs when they arrived, took the opportunity to free their own ranks from duties not related to law enforcement and investigation, especially various assignments of stationary and mobile guard duty. One exception is joint weapons search operations with KFOR, where SPUs often serve for UNMIK Police. (ibid: 21-24)

5.5.2 The problem of intelligence

Accurate information has emerged as maybe the single most important asset of agents in any conflict situation. Intelligence, especially military but also criminal, is therefore, as a general rule, national property. Even within NATO there is no such thing as an agency for intelligence sharing. (Otterlei 2002: 69) Information is exchanged on a request-basis, if at all. This is true also in multinational peace support operations.

COMKFOR does not possess the necessary tools to produce intelligence which is consistent with operational needs. The national military components gather intelligence and may or may not share with military components of other countries. The Intelligence Unit in KFOR HQ is largely a forum for contact and exchange of information, as well as an arena where COMKFOR can communicate to the nations his priorities in the intelligence field. It is not an independent body that gathers intelligence for the benefit of the mission. (ibid: 69) That means national priorities determine what intelligence is produced, which creates duplication in some areas and voids in others. It also means national considerations determine what information becomes available for mission planning. (ibid: 11) Sharing military intelligence with civilian agencies is generally met with great reluctance by the military establishment, out of security considerations.

In Kosovo this circumstance has greatly complicated cooperation in the security sector. Military intelligence is, as a general rule, not released to either police or the judicial system. The result is that on several occasions known culprits have gone free of prosecution, because information that could have

been presented as evidence in court is not accessible for the criminal investigation authorities. (Interviews with one official working for COMKFOR, and one high-ranking officer at KFOR HQ Intelligence Department; August 2001).

In addition, national constraints on intelligence sharing for security reasons can, in fact, increase rather than reduce security risks for personnel. Nations possessing separate bits of information may, taken together, have information crucial for operations. If they don't share, efficiency is greatly reduced and forces can even be unnecessarily endangered. The joint UNMIK/KFOR Operation Groundhog described in section 5.4.2 was a pilot project in terms of meaningful intelligence sharing. Information from UNMIK and KFOR was combined in a database that enables effective monitoring and tracking of persons and vehicles (suspected of weapons trafficking) in the province as well as in the region, to facilitate interdiction by police or military units as appropriate. The large amount of weapons and ammunition confiscated during Groundhog speak of the potential benefits that intelligence sharing represents for efficient civil-military security cooperation. (Lutz 2002: 54-55)

5.5.3 Multinationality and National Agendas

The questions of national agendas, priorities, restrictions, and allowances pop up more or less on every level of KFOR and UNMIK organizations respectively, and in their cooperation. Analyses and interviews speak volumes of small and greater obstacles – and, by all means, opportunities - created by the fact that anywhere between 40 and 80 nations contribute people and resources to the joint operation. Meanwhile, KFOR and UNMIK official presentations of themselves on the web and elsewhere make hardly any mention of nationality issues, except in general statements praising the consensus represented by such an extensive multi-nationality in the operation. This discrepancy alone indicates the sensitive nature of the issue. In the

following some central points as to how national agendas have affected UNMIK/KFOR cooperation will be made.

On the macro level there is, on one hand, institutionalized and tight coordination mechanisms between KFOR and UNMIK. On the other hand, COMKFOR is in no position to commit either manpower or resources to joint initiatives. This is because each national contingent is bound by its specific set of national constraints on the use of the troops and abides by its national commander – who receives his final orders from the home capital. (Otterlei 2002: 11)

In an interview, an UNMIK senior official (August 2001) repeatedly referred to the problem of national agendas, or restrictions. KFOR contingents cannot be deployed or moved according to need without permission from its capital. Many times commanders in the field have been prevented from issuing the appropriate orders pending a go-ahead from home. Another aspect of multi-nationality was that contingents from different countries had different training and different professional cultures. There can be, and frequently is, very diverging views regarding task distribution for example between police and military forces in different states, and regarding what are proper responses to different problems. Additionally, the composition of qualifications and competence of the personnel did not correspond with needs in the field, but with whatever the headquarters in the capitals decided to send. The result for UNMIK Police was, for example, that there could be 4000 excellent traffic police in the field, and none with forensics expertise or even competence. For the military a consistent problem has been that personnel sent to fill positions within intelligence have no previous experience or training in intelligence. In KFOR 5 (2001), as many as 34% of the staff in the Intelligence Unit had never previously worked with intelligence or received prior training in this. The mission has been forced to provide on-the-job training, for which there is no program and no resources in the organization. (Wilson 2002: 38)

In reality, operational cooperation can be organized on brigade level at the most, because KFOR is strictly organized around brigade fixation. Each

KFOR national contingent arrives in peace operations with their own equipment. Even within NATO states do not have compatible military equipment and communications systems. UNMIK employs and pays its international staff on an individual basis, which means personnel are ultimately loyal to UNMIK – not the home government. This is true also for police personnel, even if national bureaucracies naturally assist UNMIK in the recruitment process. The SPUs are in a different position, however, since they are organized as military units. The consequence for cooperation is obviously that it is extremely complicated to institutionalize it operationally. Any joint operation requires clearance from numerous agencies within and outside of Kosovo. The practical solution has been to conduct operational cooperation basically on a local level, and mostly on a case-by-case basis.

On the micro level language remains a huge obstacle for cooperation, indeed for the individual organizations. Although English proficiency is a required qualification for international personnel in Kosovo, states do not always find they have enough adequate English speaking personnel to offer and end up sending staff that in fact cannot use English as a working language. The SPUs are exempt from the English proficiency requirement that applies to all other UNMIK personnel.

5.6 The nature of KFOR – UNMIK security cooperation

The second research question posed initially was “What is the nature of KFOR-UNMIK security cooperation?”

Based on the above examination of cooperation patterns on the institutional and operational levels, it appears the dominant characteristics are task division and reactivity. KFOR and UNMIK have largely cooperated by concentrating on separate, but mutually supportive tasks. Back-up has been the most common form for assistance when this has been called for by one part, and joint operations have been exceptional but generally effective. Efforts have been concentrated in issue areas which have first proved themselves to be especially threatening to the security situation. Prevention and preemptive

action seem to be less prevalent and to a much lower degree subject for active KFOR-UNMIK cooperation. Flexibility and concern for the daily changing environment appear as central features of KFOR and UNMIK security cooperation.

5.7 Chapter summary

The above examination identified several features of the KFOR and UNMIK organizations as well as their interaction that influence security cooperation.

KFOR stands out as a composition of many organizations, each with their own set of goals and sub-goals and SOPs – although the ideals and aims tend to be very similar and never in direct conflict. Its military nature implies clear command lines. Its multi-national composition means the supreme commander does not in reality dispose of the national units. UNMIK appears as a more unified organization. Its civilian nature implies openness and soft approaches. Its multi-national composition rules out unambiguous command lines, as this would have drawn unwanted national attention to the distribution of senior positions in the system. The differences inherent in a military versus a civilian establishment appear to contribute to hamper effective cooperation. Priorities and procedures differ, as do perspectives of time and scope of operations. There is a difference between *exit* and *end state* orientations. Specifically, KFOR maintains a strict focus on ensuring a “safe and secure environment” while UNMIK aims to “re-establish civilian law and order”. While it is obvious that these two to a huge extent go hand in hand and depend on each other, it is nevertheless true that KFOR’s mission could be accomplished sooner than UNMIK’s and thus allow for KFOR withdrawal. In the general absence of violence, the work to rebuild comprehensive executive and judicial law enforcement structures could carry on without military back-up. This scenario is, however, hypothetical as of yet.

Operationally, security cooperation bears the characteristics of being carried out somewhat reluctantly as a matter of duty and necessity, on an *ad hoc* basis rather than by routine, and preferably by way of task division and

coordination rather than by joint initiatives. On the operational level, the civil-military dimension comes strongly into play when it comes to the intelligence sector. The military establishment craves discretion, but the civilian establishment needs to bring intelligence into the open in court processes. The result is that intelligence from the military generally is not shared, even when it's crucial for effective policing and prosecution.

In addition to procedural and institutional differences between KFOR and UNMIK, some other issues pose obstacles to cooperation. The question of involving military units in law enforcement is fraught with dilemmas. While the security situation may call for heavier engagement than ordinary police forces can normally provide, it is nevertheless controversial to apply military capabilities in the civilian crime scene. It could call into question the legitimacy of an entire peace support operation. The question of multi-nationality causes a host of restraints and obstacles to coordination. It is an especially delicate problem because it has to do with states' roles in the international system. The task at hand is virtually never decisive for role and resource distribution in a peace support operation.

Nevertheless, to be fair it must be said that civil-military security cooperation in Kosovo is more comprehensive and more functional than what has been the case in many previous peace support operations. In addition, there can be no doubt that the security situation in Kosovo has dramatically improved following the efforts of the international presence.

On this background it is now time to consider whether success criteria have any influence on civil-military security cooperation in Kosovo, and whether this examination has provided any insights that may point to fresh paths to further enhance cooperation.

6 SUMMARY AND CONCLUSIONS

The project of this thesis has been to investigate the following questions:

What are the success criteria applied by KFOR and UNMIK?

What is the nature of the KFOR/UNMIK cooperation in the field of security?

Do the answers to those two questions suggest potential for improvement of the cooperation should streamlined, uniform success criteria exist?

So far the dissertation has concentrated on many factors that contribute to answering the two first questions, providing the basis upon which this chapter aims to answer the third. Before turning to that, a summary of the findings and their implications for the research questions is appropriate. Finally, a critical assessment will be given of the value of the thesis in the larger context.

6.1 What is the nature of KFOR/UNMIK security cooperation?

Chapter 5 emphasized the difference between institutionalized and operational security cooperation for the KFOR/UNMIK relation.

On the command level, there is a tight and well-organized pattern of cooperation and coordination. This is represented by regular meetings between COMKFOR and SRSG, as well as an active participation by officers from each organization in offices, councils, and boards of the other organization – especially in the security sector. The general perception seems to be that cooperation on this level works satisfactory.

On the operational level, practical cooperation tends to be a product of day-to-day concerns and necessities. Most joint operations are planned and conducted on brigade level and below, thus pertaining to a region, town, neighborhood or other limited geographic locus. Joint operations are also overwhelmingly reactive, that is, planned and conducted for the purpose of solving a problem, responding to a challenge, or meeting a need – they are rarely preventive and/or have a long-term perspective. It must be assumed that this model works well, as most operations are branded successful in terms of accomplishing the mission for each situation.

Between the command and operational level there should be, according to most common organization models, lines of command or at least guidelines. The intentions set forth for the mission as a whole should, ideally, be communicated to the operational instances which should in turn direct their efforts primarily towards those targets. Such an intermediate level would be where doctrines, perhaps some general SOPs, and success criteria more specific and situation-bound than those proposed in the mandate, would be found. A critical assessment of the international operation in Kosovo suggests, however, that this level is virtually non-existent. Why this apparent void in the organizational pyramid? The findings suggest that national agendas is a factor that figures high on the list of reasons why coordination and cooperation are conducted in a sub-optimal way, despite ambitions to the contrary across the operation and the capitals. Political influence on the international arena, volume of contributions, domestic agendas, and national priorities vis-à-vis other states are all elements that count in this equation. For example, it is obvious that the Quint in reality can control KFOR activities much more than COMKFOR and the HQ, although the Quint is formally subordinated COMKFOR in the KFOR organization. The implication is, of course, that whatever is discussed and agreed upon at the highest level between COMKFOR and the SRSG must be in accordance with Quint consensus. Consequently, it is hoped that each brigade commander nation is able to persuade the other states in its sector to participate, if and when decisions are made as to joint operations or altered organizational structures.

Another factor that seems to complicate cooperation and coordination, is a factual difference in military and civilian working methods and agendas. In this case it is especially an issue for policing. The question of military contributions to law enforcement, and intelligence sharing illustrate this. Military instances regularly refuse to provide intelligence that is often the only, and crucial, evidence against a suspect to police and prosecutors, thus preventing judicial authorities to take him or her to court and make a conviction within the due process of law. Instead military units have opted to keep known

criminals under confinements outside of judicial processes and defined the practice as “maintaining a safe and secure environment.” Civilian observers have interpreted these circumstances as proof that the military has no business engaging in law enforcement. Military sources reply they would like nothing better than to give up law enforcement, but that the inadequate resources of the civilian agency leave them no choice as long as they are responsible for maintaining security. Good arguments back each of these positions, but do not reconcile them.

6.2 Are success criteria relevant for the cooperation?

To a certain extent; yes.

It is significant that the civilian and military wings of the operation work under one, identical mandate. Both declare its mission goal to be mandate fulfillment. That is indeed the reason why this dissertation has seen mandate fulfillment as a central success criterion, despite the inherent weaknesses of such an approach discussed in chapter 3.

It is also significant, however, to look at the content of each organization's understanding of when the mandate is delivered. UNMIK says the aim is peace, reconciliation and a functioning civil society in which all people of Kosovo can live together under a comprehensive regime of autonomy within the context of Yugoslavia. KFOR says their aim is to withdraw, to make itself superfluous. This will be a reality when KFOR has restored security to such a degree that UNMIK is able to function properly for the establishment of all other requirements of UNSCR 1244.

The statements point to two important aspects of success criteria and cooperation: KFOR and UNMIK do acknowledge their common purpose and duty, but they have different perspectives on the “hows” and “whens”. UNMIK is process oriented. While financial concerns do force UNMIK to make tangible progress in order not to wear out donor motivation, their time perspective is unfixed. They are in Kosovo for the long run. KFOR is result oriented. Constantly referring to “such a time when forces withdrawal can be

effectuated”, KFOR sends a strong signal that their time frame is not, *a priori*, unfixed. Theoretically speaking, KFOR departure time could conceivably come before UNMIK has accomplished all of its civil society and rebuilding tasks. If the security situation is adequate both for UNMIK and for the citizens of Kosovo, KFOR has delivered and rendered itself unemployed. In practice, however, that is not a realistic scenario, and it is certainly not within immediate reach considering the persistent security problems all over Kosovo. The difficulties posed by this discrepancy are further exacerbated by the fact that the mandate does not envisage an end state for Kosovo. That leaves everyone in Kosovo without a definite reference point in time and development for where efforts are heading.

The difference in outlook and time frames represented by these diverging success perceptions hamper cooperation in at least one considerable respect. It can make the partners reluctant to enter a committed relationship on the operational level, and the findings do indeed suggest that this is the case. The ad hoc, reactive nature of almost all joint operations more than indicate an unwillingness to institutionalize cooperation on the ground. The military wants to avoid any obligations that could possibly make UNMIK and Kosovo more dependent on their presence and thus delay KFOR’s exit. The civilian agencies are more ambiguous, recognizing their greater dependency on military backup while wishing to conduct more of the security work independently.

When it comes to operational success criteria, the meaning of which was explained in chapter 3, it has proved very difficult to find statements. Lists of responsibilities do exist, but they are generally just extracts of parts of the UNSCR 1244. For joint operations, success criteria seem to simply be the accomplishment of the given task, such as “seizing illegal weapons”, or “arresting contraband”. In these situations units and persons from both operations work together as one and for the same, concrete goal.

KFOR and UNMIK appear to have partly the same and partly separate success criteria, but at no point do the differences seem to be in direct conflict.

The mandate and each organization's interpretation of it do facilitate cooperation. The differences in outlook and priorities create some obstacles.

6.3 Can success criteria be a factor in enhancing civil-military cooperation in Kosovo?

Given the above summary, the answer would be a very cautious "yes".

More identical and explicit aims, both in the short and the long run, should produce incentives for more institutionalized, operational cooperation in areas of common interests. That in turn would ensure increased economy of effort – more security out of every dollar, so to speak – as many aspects of operations would be pre-established and ready to run. A common SOP generally saves much time and resources in planning and deployment.

On the other hand, there are elements that arguably cause more serious obstacles to civil-military cooperation than do non-identical success criteria. Prominent among these are national agendas and restrictions, and deep-seated differences between military and civilian approaches to the same tasks. These are purely practical problems that could be solved if given the appropriate attention and effort by nations and organizations. When such an effort does not materialize, one must assume that other considerations have a higher priority with the many agents involved. Numerous other interests are given weight as well, sometimes more weight than the requirements of the conflict in question.

6.4 Critical assessment of the value of the dissertation

The meaning of common success criteria have appeared to have less influence on KFOR-UNMIK security cooperation than elements like national agendas and diverging working methods and priorities.

The importance of nationality has been extensively documented in evaluations and analyses of peace operations, and is by now a somewhat trivial point to make. Likewise are differences between military and civilian agencies well mapped and analyzed. In many ways is this dissertation

therefore merely one more call for greater coherence between sponsors and between agents, and for a shift of focus from self to problem in peace operations. The problems of national agendas and differences in civilian and military problem-solving approaches loom large in most evaluations and analyses of most peace support operations. It must be assumed that they are well known to both decision-makers and field personnel. When very little seems to be done to overcome these problems, it is an indication that politics get in the way of practicalities. Very rarely do states let the needs of the collective take precedence over national priorities. In this paradigm it may be valuable to further consider the potential operational benefits of standardized sets of goals and success criteria, even if improvements in other areas perhaps would make a greater difference. Such other areas may be no-go territory for political reasons. If this is indeed the case, then decision-makers would be wise to look into ways of enhancing operations which can be followed.

On the other hand, the findings indicate that a lack of standardized success criteria may actually be an asset. Where civilian-military cooperation is comprehensively employed on an operational level, results tend to be good and solid. In this perspective ambiguity and general formulations seem to allow greater flexibility down the ranks. The different levels of the operation thus possess more freedom to act quickly and assertively when presented with challenges. They do not have to spend time and energy consulting various SOPs and offices. What makes both joint operations and flexibility possible in Kosovo is above all a strong mandate in terms of enforcement. There is no question about the legitimacy of the use of force, and there is no question about the law enforcement competencies of the civilian and military agencies. This precludes the creation of a wide enforcement gap, endless discussions about mission creep, and ultimately non-action. Civil-military cooperation is an obligation. The international presence enjoys a strong enforcement mandate. Few detailed instructions are given. All of this facilitates flexible, functional

cooperation on an operational level, which in turn has produced tangible results on the ground.

Whether flexibility or economy offers greater advantages, is a question that demands further research to answer. Hence, the potential of common success criteria to promote and enhance civil-military security cooperation in Kosovo can not be absolutely determined on the background of this dissertation.

There is one factor upon which success depends that this dissertation has not dealt with, simply because it falls outside of the selected parameters. The fact that no end state is stipulated, and that the international community firmly asserts Kosovo's status as a province in Yugoslavia, is fundamentally out of sync with the aspirations of the majority of Kosovo's population. Segments of the Kosovo population boycott the international efforts in protest against the mandate; Serbs because they think the entire operation is biased against their interests, and Albanians because they think the operation is biased against their perceived right to independence. This suggests that the chief obstacle to mandate fulfillment - success - is non-compliance. The possible implication of such a conclusion is of course that this whole dissertation is worthless. UNMIK and KFOR could have a perfect, optimally efficient cooperation and produce absolute security for all Kosovars, and still not be successful because non-compliance would rule out mandate fulfillment. Such a dramatic assertion calls for moderation. While compliance undoubtedly is a prerequisite for a lasting solution along the guidelines of the UN, there is ample evidence that compliance increases with improved personal security. In the absence of fear, moving on becomes possible if not right out easy. Therefore, a comprehensive security regime is crucial for mandate fulfillment in any analytical paradigm. For Kosovo it is true that KFOR and UNMIK need each other to provide different elements of that regime; neither can go it alone.

The big, important question regarding peace support operations is whether international intervention can ever create trust and love where lack thereof caused a violent conflict. So far, nothing suggests that it can. The

follow-up question must be if people in conflict at a minimum can be helped to reach a tolerance to each other, and if that may be enough to at least end the acute conflict. Perhaps so – some peace operations can show cautiously optimistic signs that accept, however grudging, in many ways has suppressed violence. Also in Kosovo interethnic violence has decreased.

The last 10-15 years the world has been plagued by small and medium scale conflicts that have caused tremendous human suffering and material losses. The developments in the international arena do not indicate that intervention for conflict resolution is on the return, quite the contrary. There are plenty of solid, moral arguments for trying to take concerted international action in the face of conflict, minimizing human suffering being perhaps the most prominent one. In the much more cynical dimension of realpolitik there can also be found good reasons for intervention, for example prevention of spillover effects and refugee flows out of a conflict territory. At the end of the day, however, the only actors empowered to really put an end to violent conflict are the belligerents themselves. In want of their will and determination to move on, conflict will prevail.

ANNEX 1: UN SECURITY COUNCIL RESOLUTION 1244

Resolution 1244 (1999)

Adopted by the Security Council at its 4011th meeting, on 10 June 1999

The Security Council,

Bearing in mind the purposes and principles of the Charter of the United Nations, and the primary responsibility of the Security Council for the maintenance of international peace and security,

Recalling its resolutions [1160](#) (1998) of 31 March 1998, [1199](#) (1998) of 23 September 1998, [1203](#) (1998) of 24 October 1998 and [1239](#) (1999) of 14 May 1999,

Regretting that there has not been full compliance with the requirements of these resolutions,

Determined to resolve the grave humanitarian situation in Kosovo, Federal Republic of Yugoslavia, and to provide for the safe and free return of all refugees and displaced persons to their homes,

Condemning all acts of violence against the Kosovo population as well as all terrorist acts by any party,

Recalling the statement made by the Secretary-General on 9 April 1999, expressing concern at the humanitarian tragedy taking place in Kosovo,

Reaffirming the right of all refugees and displaced persons to return to their homes in safety,

Recalling the jurisdiction and the mandate of the International Tribunal for the Former Yugoslavia,

Welcoming the general principles on a political solution to the Kosovo crisis adopted on 6 May 1999 (S/1999/516, annex 1 to this resolution) and welcoming also the acceptance by the Federal Republic of Yugoslavia of the principles set forth in points 1 to 9 of the paper presented in Belgrade on 2 June 1999 (S/1999/649, annex 2 to this resolution), and the Federal Republic of Yugoslavia's agreement to that paper,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other States of the region, as set out in the Helsinki Final Act and annex 2,

Reaffirming the call in previous resolutions for substantial autonomy and meaningful self-administration for Kosovo,

Determining that the situation in the region continues to constitute a threat to international peace and security,

Determined to ensure the safety and security of international personnel and the implementation by all concerned of their responsibilities under the present resolution, and acting for these purposes under Chapter VII of the Charter of the United Nations,

1. Decides that a political solution to the Kosovo crisis shall be based on the general principles in annex 1 and as further elaborated in the principles and other required elements in annex 2;
2. Welcomes the acceptance by the Federal Republic of Yugoslavia of the principles and other required elements referred to in paragraph 1 above, and demands the full cooperation of the Federal Republic of Yugoslavia in their rapid implementation;
3. Demands in particular that the Federal Republic of Yugoslavia put an immediate and verifiable end to violence and repression in Kosovo, and begin and complete verifiable phased withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable, with which the deployment of the international security presence in Kosovo will be synchronized;

4. Confirms that after the withdrawal an agreed number of Yugoslav and Serb military and police personnel will be permitted to return to Kosovo to perform the functions in accordance with annex 2;
5. Decides on the deployment in Kosovo, under United Nations auspices, of international civil and security presences, with appropriate equipment and personnel as required, and welcomes the agreement of the Federal Republic of Yugoslavia to such presences;
6. Requests the Secretary-General to appoint, in consultation with the Security Council, a Special Representative to control the implementation of the international civil presence, and further requests the Secretary-General to instruct his Special Representative to coordinate closely with the international security presence to ensure that both presences operate towards the same goals and in a mutually supportive manner;
7. Authorizes Member States and relevant international organizations to establish the international security presence in Kosovo as set out in point 4 of annex 2 with all necessary means to fulfil its responsibilities under paragraph 9 below;
8. Affirms the need for the rapid early deployment of effective international civil and security presences to Kosovo, and demands that the parties cooperate fully in their deployment;
9. Decides that the responsibilities of the international security presence to be deployed and acting in Kosovo will include:
 - a. Deterring renewed hostilities, maintaining and where necessary enforcing a ceasefire, and ensuring the withdrawal and preventing the return into Kosovo of Federal and Republic military, police and paramilitary forces, except as provided in point 6 of annex 2;
 - b. Demilitarizing the Kosovo Liberation Army (KLA) and other armed Kosovo Albanian groups as required in paragraph 15 below;
 - c. Establishing a secure environment in which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional administration can be established, and humanitarian aid can be delivered;
 - d. Ensuring public safety and order until the international civil presence can take responsibility for this task;
 - e. Supervising demining until the international civil presence can, as appropriate, take over responsibility for this task;
 - f. Supporting, as appropriate, and coordinating closely with the work of the international civil presence;
 - g. Conducting border monitoring duties as required;
 - h. Ensuring the protection and freedom of movement of itself, the international civil presence, and other international organizations;
10. Authorizes the Secretary-General, with the assistance of relevant international organizations, to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, and which will provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo;
11. Decides that the main responsibilities of the international civil presence will include:

- a. Promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo, taking full account of annex 2 and of the Rambouillet accords (S/1999/648);
 - b. Performing basic civilian administrative functions where and as long as required;
 - c. Organizing and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections;
 - d. Transferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo's local provisional institutions and other peace-building activities;
 - e. Facilitating a political process designed to determine Kosovo's future status, taking into account the Rambouillet accords (S/1999/648);
 - f. In a final stage, overseeing the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement;
 - g. Supporting the reconstruction of key infrastructure and other economic reconstruction;
 - h. Supporting, in coordination with international humanitarian organizations, humanitarian and disaster relief aid;
 - i. Maintaining civil law and order, including establishing local police forces and meanwhile through the deployment of international police personnel to serve in Kosovo;
 - j. Protecting and promoting human rights;
 - k. Assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo;
12. Emphasizes the need for coordinated humanitarian relief operations, and for the Federal Republic of Yugoslavia to allow unimpeded access to Kosovo by humanitarian aid organizations and to cooperate with such organizations so as to ensure the fast and effective delivery of international aid;
13. Encourages all Member States and international organizations to contribute to economic and social reconstruction as well as to the safe return of refugees and displaced persons, and emphasizes in this context the importance of convening an international donors' conference, particularly for the purposes set out in paragraph 11 (g) above, at the earliest possible date;
14. Demands full cooperation by all concerned, including the international security presence, with the International Tribunal for the Former Yugoslavia;
15. Demands that the KLA and other armed Kosovo Albanian groups end immediately all offensive actions and comply with the requirements for demilitarization as laid down by the head of the international security presence in consultation with the Special Representative of the Secretary-General;
16. Decides that the prohibitions imposed by paragraph 8 of resolution 1160 (1998) shall not apply to arms and related matériel for the use of the international civil and security presences;
17. Welcomes the work in hand in the European Union and other international organizations to develop a comprehensive approach to the economic development and stabilization of the region affected by the Kosovo crisis, including the implementation of a Stability Pact for South Eastern Europe with broad international participation in order to further the promotion of democracy,

economic prosperity, stability and regional cooperation;

18. Demands that all States in the region cooperate fully in the implementation of all aspects of this resolution;
19. Decides that the international civil and security presences are established for an initial period of 12 months, to continue thereafter unless the Security Council decides otherwise;
20. Requests the Secretary-General to report to the Council at regular intervals on the implementation of this resolution, including reports from the leaderships of the international civil and security presences, the first reports to be submitted within 30 days of the adoption of this resolution;
21. Decides to remain actively seized of the matter.

Annex 1

Statement by the Chairman on the conclusion of the meeting of the G-8 Foreign Ministers held at the Petersberg Centre on 6 May 1999

The G-8 Foreign Ministers adopted the following general principles on the political solution to the Kosovo crisis:

- Immediate and verifiable end of violence and repression in Kosovo;
- Withdrawal from Kosovo of military, police and paramilitary forces;
- Deployment in Kosovo of effective international civil and security presences, endorsed and adopted by the United Nations, capable of guaranteeing the achievement of the common objectives;
- Establishment of an interim administration for Kosovo to be decided by the Security Council of the United Nations to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo;
- The safe and free return of all refugees and displaced persons and unimpeded access to Kosovo by humanitarian aid organizations;
- A political process towards the establishment of an interim political framework agreement providing for a substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of the KLA;
- Comprehensive approach to the economic development and stabilization of the crisis region.

Annex 2

Agreement should be reached on the following principles to move towards a resolution of the Kosovo crisis:

1. An immediate and verifiable end of violence and repression in Kosovo.
2. Verifiable withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable.

3. Deployment in Kosovo under United Nations auspices of effective international civil and security presences, acting as may be decided under Chapter VII of the Charter, capable of guaranteeing the achievement of common objectives.
4. The international security presence with substantial North Atlantic Treaty Organization participation must be deployed under unified command and control and authorized to establish a safe environment for all people in Kosovo and to facilitate the safe return to their homes of all displaced persons and refugees.
5. Establishment of an interim administration for Kosovo as a part of the international civil presence under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, to be decided by the Security Council of the United Nations. The interim administration to provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo.
6. After withdrawal, an agreed number of Yugoslav and Serbian personnel will be permitted to return to perform the following functions:
 - Liaison with the international civil mission and the international security presence;
 - Marking/clearing minefields;
 - Maintaining a presence at Serb patrimonial sites;
 - Maintaining a presence at key border crossings.
7. Safe and free return of all refugees and displaced persons under the supervision of the Office of the United Nations High Commissioner for Refugees and unimpeded access to Kosovo by humanitarian aid organizations.
8. A political process towards the establishment of an interim political framework agreement providing for substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of UCK. Negotiations between the parties for a settlement should not delay or disrupt the establishment of democratic self-governing institutions.
9. A comprehensive approach to the economic development and stabilization of the crisis region. This will include the implementation of a stability pact for South-Eastern Europe with broad international participation in order to further promotion of democracy, economic prosperity, stability and regional cooperation.
10. Suspension of military activity will require acceptance of the principles set forth above in addition to agreement to other, previously identified, required elements, which are specified in the footnote below.⁽¹⁾ A military-technical agreement will then be rapidly concluded that would, among other things, specify additional modalities, including the roles and functions of Yugoslav/Serb personnel in Kosovo:

Withdrawal

- Procedures for withdrawals, including the phased, detailed schedule and delineation of a buffer area in Serbia beyond which forces will be withdrawn;

Returning Personnel

- Equipment associated with returning personnel;
- Terms of reference for their functional responsibilities;

- Timetable for their return;
 - Delineation of their geographical areas of operation;
 - Rules governing their relationship to the international security presence and the international civil mission.
-

Notes

1. Other required elements:

- A rapid and precise timetable for withdrawals, meaning, e.g., seven days to complete withdrawal and air defence weapons withdrawn outside a 25 kilometre mutual safety zone within 48 hours;
- Return of personnel for the four functions specified above will be under the supervision of the international security presence and will be limited to a small agreed number (hundreds, not thousands);
- Suspension of military activity will occur after the beginning of verifiable withdrawals;
- The discussion and achievement of a military-technical agreement shall not extend the previously determined time for completion of withdrawals.

(KFOR Online Homepage [online]: <http://www.nato.int/kfor/welcome.html>)

ANNEX 2: MAP OVER KOSOVO

UNMIK Homepage [online]: <http://www.unmikonline.org/>

ANNEX 3: KFOR DETAILS.

MNB (C):

The United Kingdom contributes the following units: HQ 7th Armoured Brigade, Royal Scots Dragoon Guards (SCOTS DG), 2nd Battalion Royal Regiment of Fusiliers, 19 Field Regiment Royal Artillery, 32 Engineer Regiment, 5 General Support Medical Regiment, 207 Signal Squadron, 111 Provost Company Royal Military Police - a total of 3900 personnel. They are stationed in the provinces of Pristina and Podijevo, center and north of the AOR.

Other participating nations: The Czech republic, with 1 Reconnaissance Company of 175 personnel. They are stationed in Shaykofc (Shajkovac), in the north. Tasks include border control together with a UK company and responsibility for the Area of Operation (AO) centred around Orlane. Finland contributes FINBAT of 820 personnel, created specifically for OJG. They are stationed in Lipljan and are responsible for Area of Operation (AO) centered around Lipljan, for providing a secure environment and humanitarian assistance. Latvia participates with one unit of police to the Multinational Police Company (see below). Norway sends NORBN II of 980 personnel, created specifically for KFOR. They are stationed in Kosovo Polje and responsible for the Area of Operation (AO) centered around Kosovo Polje and Obilic. Russia has 200 troops in a very small territory near Kosovo Polje. Slovakia with an engineer platoon of 40 personnel sorts under the Austrian contingent. They are stationed in Suva Reka and perform demining and road construction. Sweden contributes the Battalion KS 05 from the Norrbotten regiment of 750 personnel, s stationed in Hajvali/Ajvalija just south of Pristina. They are responsible for the Area of Operation centered on Gracanica, for maintaining public order and safety of all inhabitants throughout the AOR, and provide a secure environment and support humanitarian assistance. The MNB (C) runs a Multinational Police Company (MNP) which includes 104 officers from the (UK) Royal Military Police, (UK) Royal Air Force Police, and

Norwegian, Finnish, Swedish and Latvian Police. Services provided by them include a special investigation group, weapons and intelligence section, a general policing platoon, a traffic section, an escort section and an operations platoon. It has not been possible to identify practical contributions by this specific unit in actual operations.

MNB (N):

The French contribution consist of 6 battalions of a total of around 4500 soldiers, and a unit of the French Gendarmerie (around 130 gendarmes). They are divided into the command and support battalion (BCT), the motorized rifle battalion (BIMOTO), including an armoured squadron (GTB), the mechanized infantry battalion (BIMECA), the army helicopters battalion (BATALAT), the engineer battalion (BATGEN), and the logistic battalion (BATLOG).

Other participating nations: Belgium, with 1 battalion of approximately 800 personnel, stationed in Leposavic. Responsibilities include peace agreement implementation, border control, law and order, maintaining the freedom of movement for KFOR and civilians, establishing a stable and secure environment, explosive ordnance division (EOD) operations, assistance to reconstruction, and humanitarian assistance. Denmark with 1 mechanized infantry battalion of app. 700 personnel stationed near Mitrovica. Responsibilities are peace agreement implementation, border control, law and order, maintaining the freedom of movement for KFOR and civilians, establishing a stable and secure environment, EOD operations, medical assistance to local population, assistance to UNMIK in a winterization program, and conducting safety and health assessments to municipal buildings. Luxemburg, with 30 personnel who operate under the command of the Belgian battalion and share its specifications. Morocco contributes 400 medical personnel and soldiers, running a hospital for the benefit of the local population in south Vucitrn/Vushtri. Services include a dental office, radiography, an ultrasound scanner, and heavy surgery equipment. Russia sends 1 company, the 14th Company Team of the 14th Battle Group of the

331st Airborne Regiment, 492 personnel which is stationed in Srbica. Their responsibilities are peace agreement implementation, border control, law and order, maintain the freedom of movement for KFOR and civilians, establish a stable and secure environment, EOD operations, medical assistance to local population, assistance to UNMIK in winterization program, conducting safety and health assessments to municipal buildings. United Arab Emirates has 1 battalion of 1240 personnel, including 60 Jordanian soldiers. In addition they send around 400 medical personnel running a hospital for the local population of the Vucitrn area. They are all stationed in Vucitrn.

MNB (E):

The United States contributes these units: 131st Mobile Public Affairs Detachment, 1-30th Infantry Battalion (Mechanized), 1-32nd Infantry Battalion, 2-14th Infantry Battalion, 10th Logistical Task Force, 10th Signal, 10th Soldier Support Battalion, 1-10th Aviation, 110th Military Intelligence, 27th Engineer Battalion, 3-6 Field Artillery, 229th AHR, 490th Civil Affairs, 504th Military Police, 9th Psychological Operations, Task Force Med Falcon.

Other participating states in MNB (E) are: Greece, with one Mechanics Battalion. Lithuania, with one task force. Poland contributes its 5th Mountainous Infantry Battalion. Russia sends one battalion, its 13th Tactical Group. Ukraine forms a part of the Polish battalion but has a national commander. It contributes a helicopter unit as well as a Staff Operational Group and a National Support Element. That includes engineering, medical, communications and technical support services. Ukraine also sends one unit of military police. The contingent totals 267 personnel.

The nations in MNB (E) do not supply detailed information as to their personnel composition and number, deployment locations within the AOR, and specific responsibilities within the Brigade Mission Statement on the KFOR web site.

MNB (W):

The Italian contingent counts 4114 personnel organized into the following units: HQ "FOLGORE" Brigade, Brigade Combat Support, Brigade Logistic Battalion "FOLGORE", 2 Battle Groups: Lagunari "SERENISSIMA" Regiment Task Force "FALCO" and 183rd Parachutist "NEMBO", Regiment Task Force "AQUILA", 132nd Tank Regiment Task Force "SAURO", 4th "Genova" Cavalry Group Task Force "SAURO", 132nd Artillery Regiment, Group "ARIETE" Task Force "ISTRICE", 1st Signal Regiment, 21st Combat Engineering Regiment - Btn "TIMAVO", Task Force "ASTRO", 21st Air Cavalry Battalion - Btn "ORSA MAGGIORE", Italian Military Field Hospital Unit, 9th Parachutist Assault Regiment Special Forces Detachment, and 1st Air Force Detachment (Manning Djakovica Airport).

Other nations are Argentina, which contributes one field hospital catering to KFOR members and locals, and one Engineering Company working with reconstruction. They total 60 personnel. Portugal has withdrawn the military unit they initially supplied and now contributes a group of 20 Theatre Staff personnel. Spain sends one task force "Tizona", created for the KFOR, consisting of one infantry, one cavalry and one support unit (medical/engineering staff) of a total of about 900 personnel. MNB(W) also has an EOD.

MNB (S):

The German contribution is the 13th Armoured Division, which breaks down to at least two combat units (one is German/Turkish), a medical regiment, the entire CIMIC unit of the brigade, an engineering company, one reconstruction group (German/Bulgarian) and a military police unit – a total of 5045 personnel.

Other participating nations are: Austria with one armoured infantry battalion created just for the KFOR, of 480 troops. They are stationed in Suva Reka and perform checkpoints and patrols, as well as peace agreement implementation, freedom of movement for KFOR and civilians, and law and

order tasks. Other tasks include EOD services, reconstruction and humanitarian assistance. Azerbaijan contributes one motorized platoon of 34 men who serve within the Turkish group, although with a national commander. Bulgaria sends one Engineer platoon of 34 men who serve within the German engineer battalion. They are stationed at Suva Reka. Its tasks are development and construction of military camps, reconstruction and maintenance of destroyed buildings, and protection of camps including surveillance measures. Georgia sends one motorized platoon of 34 personnel who serve within the Turkish Mechanized Battalion, although with a national commander. Slovakia contributes one Engineer Battalion of 40 personnel who serve within the Austrian contingent, although with a national commander. They are stationed at Suva Reka and perform demining and road construction. Switzerland has sent one Specialized Army Company of 160 personnel which serves within AUCOM (Austria). They are stationed in Suva Reka. Theirs is a support unit that is responsible for water supply, CIMIC, military police, transport, and medical services. Turkey contributes one Mechanized Battalion of 940 personnel. They are stationed in Prizren and perform border control, patrols and checkpoints, search operations, and monitoring of two quarters of Prizren. In addition they assist with limited building of schools, assistance to the UNICEF, and some medical services to locals. Russia is also on the list of contributing nations, but with no further details.

ANNEX 4: UNMIK DETAILS.

The SRSG, the PDSRSG and the DSRSGs together form the Executive Committee that meets on a daily basis and functions as a valuable coordination mechanism. It is in turn assisted by the Joint Planning Group (JPG). The JPG has promoted and enhanced cross-component coordination in a wide range of policy and operational issues. It has established a working group to develop a strategic plan for UNMIK, consisting of planners from all four pillars, from UNMIK Police, KFOR and the Office of the SRSG.

(S/1999/1250 II D)

Administrative Departments, of which there were 20, run the different public services according to their respective competencies. Note that the Interim Administration through these departments assumed every single task within public services, from emergency rebuilding of infrastructure to environmental protection programs. Listing every effort would be as overwhelming as it would be pointless. The ADs are headed by one UNMIK representative and one local, positions being allocated to reflect the ethnic composition of Kosovo. (UNMIK DPI 2000; 4)

Regions:

Pristina is the capital of Kosovo and UNMIK Police here has functioned as the model for the other regional police centers. It also functions as the control center for all police stations throughout Kosovo, handling all incoming calls for police services and coordinating the police response over radio. The Pristina Station introduced special units such as Murder Squad, Serious Crime Squad and Regional Intelligence Unit, which are now integral parts of every regional HQ. The main challenges of HQ Pristina are organized crime, ethnic intimidation including house evictions and occupations, and overcrowding due to the huge influx of people from the rural districts after the conflict of '98-'99. (UNMIK Police Annual Report 2000; 14)

Mitrovica is the most troubled region of Kosovo. Problems include clashes, riots, ordinary crimes, and attacks on UNMIK, KFOR and the local

Kosovo Police Service (KPS) personnel. Over 1000 UNMIK police officers are stationed here in 6 stations and substations. Due to the security situation, UNMIK Police has not yet taken over policing primacy here³². Investigations are entirely UNMIK's responsibility, while overall security remains KFOR responsibility. (UNMIK Police Annual Report 2000; 15-16; S/2002/436 III B) See section 5.3.4 for a comprehensive account of Mitrovica.

Pec borders with Albania and was a hotspot during the war. The main security challenge is now smuggling of everything from weapons to consumer goods from Albania and Montenegro. A stronger cooperation between KFOR and UNMIK Police introduced in November 2000 regarding the Kulina pass has improved records of smuggling and tax evasion here. Pec hosts two Serbian Orthodox monasteries, which require 24 hours protection by KFOR troops and mobile UNMIK Police patrols. Due to its proximity to Albania, Pec was a center for UCK in the days of conflict and remains a region of stronger-than-usual political activism. Demonstrations and politically motivated crime occur with regularity and pose region-specific problems in the general security situation. Pec region has 5 main police stations. (UNMIK Police Annual Report 2000; 16-17)

Prizren initially suffered primarily from ethnic violence. While this problem has been alleviated, though not eradicated, the presently biggest security/criminality problem is illegal prostitution and trafficking of women. Special investigation units targeting this problem were formed and have been effective. Prizren has 4 police stations. (UNMIK Police Annual Report 2000; 17-18)

Gnjilane, bordering on the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia (FYROM), was the calmest part of Kosovo during the conflict, and remains the wealthiest. Minority protection has been a central task for UNMIK Police in this region, and some success in this respect can be seen in the gradual acceptance and trust of the Serb minority. Kidnapping for ransom has also been a region-specific problem here.

³² Autumn 2002

Significant challenges in organized crime has prompted the establishment of special units such as Regional Special Operations (targets smuggling), Drug Squad, Homicide Squad, Forensic Unit, and a Trafficking and Prostitution Investigation Unit. (UNMIK Police Annual Report 2000; 19-20)

Specialized investigative units:

The **Central Criminal Investigation Unit (CCIU)** was established already in June 1999 and is a homicide investigation unit. In addition to homicides committed inside Kosovo, it investigates homicides (and other serious crimes) committed prior to the deployment of UNMIK, war crimes committed in 1998 and 1999, and any case assigned to it by the Police Commissioner. Their job includes opening and investigating mass graves, and a close working relationship exists with the International Criminal Tribunal for the Former Yugoslavia (ICTY). In the years 1999 and 2000 the CCIU opened 199 and 376 cases respectively, making war crimes and mass murder the priority. However, the CCIU has found that many accusations against individuals of this type of crimes are based on rumors or guilt by association. The CCIU consists of 5 investigation teams of 5 members each, two officers assigned to trafficking and prostitution cases, and administrative support functions, totaling 32 international officers and 12 language assistants. (UNMIK Police Annual Report 2000; 21-22)

Missing Persons Unit (MPU) was formed in November 1999 and investigates all missing person cases in Kosovo that started prior to, during or after the conflict. In addition it keeps statistical records, keeps families of missing persons updated on their cases, and performs other related duties. It consists of 7 international and 2 KPS officers, and 8 local staff members and has offices in Pristina and the Serb village of Gracanica. (UNMIK Police Annual Report 2000; 22)

Trafficking and Prostitution Investigation Unit (TPIU) was formed in the autumn of 2000 to meet a major and growing problem of trafficking in women mainly from different Eastern European countries to Kosovo. It has 22

members and teams in each of the 5 provinces. In January 2001 an UNMIK regulation was issued which defines trafficking as a crime and stipulates penalties ranging from 2 to 12 years upon conviction. This has greatly helped the TPIU's work, as no law against human trafficking existed prior to this regulation. (UNMIK Police Annual Report 2000; 23)

The Forensic Unit secures and analyzes physical proof in the following sections: Crime Scene Section, Crime Laboratory, Document Examination Section, Fingerprint Section, and Ballistic Section. 19 experienced international and 7 KPS officers (especially selected and trained for this unit) work for this unit. (UNMIK Police Annual Report 2000; 24)

Internal Investigations Unit (IIU) investigates complaints against UNMIK police officers. It consists of 11 UNMIK police officers and sorts under the Administrative department, not Operations. (UNMIK Police Annual Report 2000; 25)

Special Operational Units:

The **Special Police Units** (SPU) is a police force that consists of 6 national contingents of self-sufficient police officers with military status and capabilities. In his report to the Security Council issued on the same day as UNSCR 1244 was adopted, the UN Secretary General stated that Special Police Units (SPU) will be part of the international police presence in Kosovo and take care of crowd control and "*other special police functions*". (S/1999/672; III 9) The role of a public order agency is affirmed in report S/1999/779 (VI 2 62), and elaborated to include area security and support and protection for UNMIK Police.

It proved difficult to mobilize SPUs. Part of the reason was that it was the first time the UN authorized such an element. It was done to prevent problems connected with an enforcement gap as described in section 4.4. Instead of requesting a certain type of personnel more generally, a specific concept was developed by the UN bureaucracy, which states then were requested to fill. The SPUs would be self-sufficient, national entities with

qualifications suited for the tasks envisaged for them in Kosovo. They would not be expected to deploy below unit level but always work *en force*, so the usual mission language proficiency requirement was waived for individual officers in the SPUs. Only commanders were required to master English. (Perito 2002; 3-6) Despite repeated calls by the UN Secretary General to potential contributing states, emphasizing the dire need for the services of SPUs in theatre, the first SPU, from Pakistan, was deployed only in April 2001. The last one, the Romanian, arrived in February 2002. They are capable of rapid deployment to high-risk situations. In Kosovo they deal with, *inter alia*, public disorder/riot control and protection of UNMIK Police and Border Police and facilities. The **Spanish** unit is based in Pec and counts 112 officers taken from the Guardia Civil, a police force with a military structure. The **Pakistani** unit consists of 114 men. The **Jordanian** unit are 240 men³³. The **Indian** SPU contingent has two units and 240 officers, all from India's elite Rapid Action Force. The **Polish** unit is based in Pristina and counts 115 officers. The **Ukrainian** contingent consists of one dog unit of 35 men and 25 dogs, and one SPU unit of 115 men divided into 3 platoons. (UNMIK Police Annual Report 2000; 26) The SPUs are formally subordinated the UNMIK Police Commissioner and bound by UNMIK Police rules and codes of conduct, while daily command is executed within the national units.

The **Border Police** are in charge of law enforcement at the borders of Kosovo and ensuring compliance with immigration laws. Only the borders with Albania, the Former Yugoslav republic of Macedonia and Montenegro, and Pristina airport, are international borders.³⁴ Among the most important challenges facing the 223 Border Police officers at the currently 5 border crossing points are seizure of false documents, illegal immigrants, trafficking in women, smuggling of weapons and other illegal goods as well as goods that have not been properly registered and taxed. KFOR patrols the borderline between checkpoints. (UNMIK Police Annual Report 2000; 12-13)

³³ No further details have been found on the Pakistani and Jordanian SPUs

³⁴ As Kosovo is formally a legitimate part of the Federal republic of Yugoslavia, the line separating the provinces of Kosovo and Serbia today is an administrative boundary

Protection Units were established in recognition of a need for special protection, “body guarding” services of VIP persons as well as persons in certain positions, such as international judges and prosecutors and visiting foreign dignitaries. This unit now counts 80 international officers selected and trained for this duty in Kosovo, and has been enforced by a High Risk Escort Unit and Regional Escort Units. The first one provides protection for money escorts, high escape risk prisoner escorts and high risk VIPs. The second has platoons in each region and escort regional staff, government officials, and prisoners. (UNMIK Police Annual Report 2000; 27)

Miscellaneous:

Traffic services more or less had to rebuild a traffic regime from nothing. In the wake of the conflict Kosovo had a broken infrastructure, no vehicle registration system, no driving licensing system, no insurance schemes, and a huge influx of returning refugees in every number and kind of vehicle. By now most of these problems are at least addressed and programs have been started to fill the voids. As work has progressed, an increasing number of responsibilities in this sector has been transferred to KPS officers who now perform many traffic duties independently of international officers. (UNMIK Police Annual Report 2000; 28)

Induction Training Centre is the reception and training facility for all new arrivals to the UNMIK Police. The ITC course includes tests in English proficiency and weapons handling, as well as classes in UNMIK Police Code of Conduct, human rights, sexual harassment, HIV/AIDS awareness, cultural awareness, survival, mine awareness, use of force, local laws, and mission procedures and routines. Only successful candidates are assigned duty upon completion of the program. The ITC is part of the Planning & Development Department, not Operations. (UNMIK Police Annual Report 2000; 30)

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